

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

RUTH CALDERON-CARDONA, *et al.*,)
Plaintiffs,)
vs.) Case No.: CV-08-1367 (FAB)
DEMOCRATIC PEOPLE'S REPUBLIC)
OF KOREA, aka NORTH KOREA, *et al.*,)
Defendants.)

TRANSCRIPT OF PROCEEDINGS
DEFAULT TRIAL, DAY ONE
HEARD BEFORE JUDGE FRANCISCO A. BESOSA
ON DECEMBER 2, 2009

A P P E A R A N C E S

For the Plaintiffs:

Manuel San-Juan-DeMartino
Robert Tolchin
Naomi Weinberg

For the Defendants:

Not Present

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I N D E X

1		
2	DESCRIPTION	PAGE
3		
4	INDEX	2
5	EXHIBIT LIST	3
6		
7	PROCEEDINGS	5
8	EXAMINATION OF ZE'EV SARIG:	
9	DIRECT EXAMINATION BY MR. TOLCHIN	9
10		
11	EXAMINATION OF PROFESSOR BARRY RUBIN:	
12	DIRECT EXAMINATION BY MR. TOLCHIN	35
13		
14	EXAMINATION OF PROFESSOR BARRY EMERSON BECHTOL, JR.:	
15	DIRECT EXAMINATION BY MR. TOLCHIN	78
16	EXAMINATION OF PROFESSOR ROHAN GUNARATNA:	
17	DIRECT EXAMINATION BY MR. TOLCHIN	101
18	EXAMINATION OF GLORIA CALDERON-CARDONA:	
19	DIRECT EXAMINATION BY MR. SAN-JUAN	138
20		
21	REPORTER'S CERTIFICATE	168
22		
23		
24		
25		

<u>E X H I B I T S</u>		
1	DESCRIPTION	PAGE
2		
3	Plaintiffs' No. 59	
4	Photograph	23
5	Plaintiffs' No. 60	
6	Photograph	23
7	Plaintiffs' No. 1	
8	Declaration of Ze'ev Sarig	33
9	Plaintiffs' No. 2	
10	Declaration of Claude Chanan Zeitoun	34
11	Plaintiffs' No. 5	
12	Professor Rubin's Curriculum Vitae	35
13	Plaintiffs' No. 6	
14	Declaration of Barry Rubin	77
15	Plaintiffs' No. 3	
16	Professor Barry Bechtol's Curriculum Vitae	78
17	Plaintiffs' No. 4	
18	Declaration of Professor Barry Bechtol	100
19	Plaintiffs' No. 7	
20	Professor Rohan Gunaratna's Curriculum Vitae	102
21	Plaintiff's No. 8	
22	Declaration of Professor Rohan Gunaratna	109
23	Plaintiffs' No. 29	
24	Sworn Declaration of Salvador Calderon-Martinez	142
25	Plaintiffs' No. 26	
	Sworn Declaration of Luis Caldron-Cardona	143
	Plaintiffs' No. 19	
	Certificate of Baptism for Carmel Calderon-Molina	144
	Plaintiffs' No. 20	
	Marriage Certificate of Carmelo Calderon-Molina and	
	Eladia Cardona-Rosario	147
	Plaintiffs' Exhibits 52, 53, and 54	
	Photographs	151

1		
2		<u>E X H I B I T S</u>
3	DESCRIPTION	PAGE
4	Plaintiffs' Exhibits 55 and 56	
5	Photographs	159
6	Plaintiffs' Exhibit No. 23	
7	Sworn Declaration of Gloria Calderon-Cardona	164
8	Plaintiffs' Exhibit No. 13	
9	Death Certificate of Carmelo Calderon with its	
10	English translation	164
11	Plaintiffs' Exhibit No. 14	
12	Document produced in Israel relating to the death of	
13	Carmelo Calderon	164
14	Plaintiffs' Exhibit No. 15	
15	Embalming Certificate for Carmelo Calderon	165
16	Plaintiffs' Exhibit No. 16	
17	Consular Mortuary Certificate for Carmelo Calderon	165
18	Plaintiffs' Exhibit No. 17	
19	Autopsy document regarding Carmelo Calderon from the	
20	ministry of Health in Tel Aviv	165
21	Plaintiffs' Exhibit No. 31	
22	Birth Certificate for Gloria Calderon-Cardona	166
23	Plaintiffs' Exhibit No. 34	
24	Birth Certificate for Luis Calderon-Cardona	166
25	Plaintiffs' Exhibit No. 38	
	Baptismal Certificate for Salvador Calderon	166

1 The above-styled cause came on for hearing on
2 the 2nd day of December, 2009, at 10:19 a.m., before Judge
3 Francisco A. Besosa, Judge in the United States District Court
4 for the District of Puerto Rico, when the following proceedings
5 were had and entered of record, to wit:

6 PROCEEDINGS

7 DEFAULT TRIAL, DAY ONE

8 THE COURT: Please be seated.

9 THE COURTROOM DEPUTY CLERK: Case Number CV-08-1367,
10 Calderon-Cardona versus Democratic People's Republic of Korea,
11 for Default Hearing. On behalf of Plaintiffs, Attorneys Manuel
12 San-Juan-DeMartino, Robert Tolchin, and Naomi Weinberg.

13 MR. SAN-JUAN-DeMARTINO: Good morning. May it please
14 the Court. Manuel San-Juan-DeMartino on behalf of the
15 Plaintiffs. I would like to introduce to the Court my
16 co-counsel in the case. Mr. Robert Tolchin, from New York, and
17 Ms. Naomi Weinberg.

18 THE COURT: Good morning.

19 MR. SAN-JUAN-DeMARTINO: Also with us today, although
20 I don't see her in the courtroom -- she'll be in in a moment,
21 is the internationally renowned terrorism lawyer, Nitsana
22 Darshan-Leitner, Israel Law Center, also known as Shurat HaDin.
23 They're all very pleased to be here. They have been travelling
24 a long way to be here today.

25 Your Honor, we're prepared to proceed -- if I may be

1 heard very briefly before we commence?

2 THE COURT: Of course.

3 MR. SAN-JUAN-DeMARTINO: This is a, as you know, of
4 course, a default trial. And despite the fact that the
5 Defendant is not here, it is important for the Court to be
6 mindful of the legal standards that apply. We have filed a
7 Memorandum with the Court that makes clear that both the
8 liability and the damages here need to be proven to the Court's
9 satisfaction. That is the standard.

10 And even though the Defendants are not present here
11 today in court, we want the Court to know that it is the
12 intention of the Plaintiffs -- if we are able to persuade
13 the Court to issue a judgment in the Plaintiff's favor in
14 this case -- it is fully the Plaintiffs' intention to execute
15 that judgment some day. And so it is not unheard of for the
16 Defendants to appear at some later stage and to question what
17 we do here today. Therefore, it is important for the Court and
18 for Counsel to be mindful of that, to be mindful of the legal
19 standards that apply to this case, and for us to take our time
20 and present the case in the proper fashion, which is what we
21 intend to do.

22 So that's all I have to say, your Honor. I would
23 introduce my co-counsel Mr. Tolchin, who will be handling the
24 first witness. I think he would like to address the Court as
25 well.

1 THE COURT: Mr. Tolchin, please.

2 MR. TOLCHIN: Thank you very much, your Honor. Good
3 morning. And thank you for admitting me *pro hac vice* in this
4 Court. Very happy to be here.

5 Your Honor, I don't want to take more than two
6 minutes, but this is a case about what was supposed to be the
7 high point in the lives of a group of people from Puerto Rico,
8 religious pilgrims, in 1972, who were fulfilling what was for
9 them at the time a lifelong dream of travelling to the Holy
10 Land as a religious pilgrimage. They quite innocently met up
11 with what can only be described as a sinister and diabolical
12 scheme that Geopolitical domination and control by terrorist
13 groups from Japan and Lebanon working with sponsorship from
14 North Korea which, as the Court will hear from the testimony,
15 had its own agenda to jockey for points in the world domination
16 game with the Soviet Union and other states that sponsor what
17 they perceive as world revolution which they believe can be
18 accomplished only by shocking acts of violence against innocent
19 individuals.

20 Your Honor will hear today testimony in a few minutes
21 from Mr. Ze'ev Sarig, who at the time in 1972 was the Deputy
22 Director of the Airport in Lod, Israel, where the attack
23 happened. From the senior personnel who are on the ground at
24 that time dealing with this -- with the aftermath of this
25 event, I believe that Mr. Sarig is the last man standing. The

1 others who were involved have passed on to the next world. And
2 just understand that Mr. Sarig was an involuntary witness. He
3 didn't ask to be there. He was an airport administrator. He
4 is not a -- he's simply a fact witness who was thrust into this
5 situation.

6 We also have the testimony of three world renowned
7 experts in the history and geopolitics that are involved. The
8 Court will hear from Professor Barry Rubin, who is a historian,
9 who will explain to the Court the history of the era and how
10 this attack fits into that history. The Court will next hear
11 from Professor Bruce Bechtol, who is also a political scientist
12 and historian who specializes in Korea and how North Korea fits
13 into this picture. And, lastly, the Court will hear from
14 -- I'm sorry, I have a terrible time saying the individual's
15 last name; we call him by his first name. -- but Professor
16 Rohan Gunaratna, who is an individual who has devoted his
17 academic studies to Asian terrorist groups.

18 After that, the case will shift over to Ms. Weinberg
19 and Mr. San-Juan, who will present to the Court testimony from
20 family members and an expert psychologist who will talk about,
21 I believe, Post-traumatic Stress Disorder. And with that, I
22 won't belabor the introduction. But I wanted the Court to just
23 have a roadmap of where we will be going with the proof.

24 THE COURT: Thank you. Are you ready to present your
25 first witness?

1 MR. TOLCHIN: Yes, your Honor, I would call
2 Ze'ev Sarig to the stand.

3 THE COURTROOM DEPUTY CLERK: Raise your right hand
4 please.

5 (The oath is administered by the Courtroom Deputy
6 Clerk, and the witness answers as follows:)

7 THE WITNESS: I do.

8 THE COURTROOM DEPUTY CLERK: So help you God. Please
9 be seated there.

10 THE COURT: Go ahead, Mr. Tolchin.

11 MR. TOLCHIN: Thank you, your Honor.

12 ZE'EV SARIG,
13 having been first duly sworn by the Courtroom Deputy Clerk of
14 the Court to tell the truth, the whole truth, and nothing but
15 the truth, was examined and testified upon his oath as follows:

16 DIRECT EXAMINATION

17 **BY MR. TOLCHIN:**

18 Q Mr. Sarig, can you summarize, please, your employment
19 history.

20 THE COURT: Well, first of all, Mr. Sarig, can you
21 state your full name.

22 THE WITNESS: My name is Ze'ev Sarig. Z-e-e-v,
23 S-a-r-i-g.

24 THE COURT: Thank you. Go ahead.

25 Q (By Mr. Tolchin) Mr. Sarig, can you please summarize your

1 employment history.

2 A Yes, thank you.

3 First and foremost, your Honor, I would like to thank you
4 for giving me the chance to explain what happened about 37
5 years ago. And I would like to apologize on my English. I
6 traveled from Lod, Israel to testify on what I've seen at the
7 spot at the airport itself, that nightmare that we had at that
8 time. At that time, I used to be the Assistant Deputy Director
9 of the Airport, which we were responsible on the Department of
10 the Control Tower Operation, Fire Brigade, Emergency Forces,
11 and Security at the airport itself.

12 Q Mr. Sarig, before you were in the position -- before you
13 were employed at the airport, were you in the military in
14 Israel?

15 A Yes.

16 Q And what branch of the military were you in?

17 A I be serving the Air Force.

18 Q How many years were you in the Air Force?

19 A Nine years.

20 Q And --

21 A And then another 25 years in the Reserve, for at which time
22 I ended as a Lieutenant Colonel.

23 Q Not talking about your Reserves that you ended as a
24 Lieutenant Colonel, but what year did you finish your regular
25 service in the --

1 A 1971.

2 Q And when you finished your service in the Air Force, sir,
3 did you become employed?

4 A Day after I started to work for the Israel Airport
5 Authority, Lod Airport at that time, later on, Ben-Gurion
6 Airport.

7 Q And, in 1971, when you finished your military service and
8 came to work for Lod Airport, what job did you have then?

9 A Assistant to the Deputy Director of the Airport.

10 Q And as Assistant to the Deputy Director of the
11 Airport, what were your responsibilities? What did your
12 responsibilities include?

13 A I was -- our responsibilities included the control tower,
14 operations, emergency forces, and security.

15 I would like to mention that in our case in Israel, even
16 today, the airport is responsible to the security. We
17 conducted the security. We operating the security in the
18 airport. The --

19 Q Mr. Sarig --

20 A -- by the Secret Service and the Army. But on a daily
21 basis, we are conducting the security at the airport.

22 Q Mr. Sarig, after you were the Assistant to the Deputy
23 Director of the Airport, did your position at the airport
24 change over time?

25 A Yeah. I've been promoted from this position to the Airport

1 Assistant, and then to the Terminal Manager, Special Duties
2 Division, Passenger Services and Special Service Division,
3 Managing Director of Eilat and Urda, which is the second
4 largest airport in Israel, and then I be promoted at 2004 as
5 the Managing Director of Ben-Gurion Tel Aviv International
6 Airport, which is the main air gate to Israel.

7 Q And Ben-Gurion Airport is the same airport as Lod Airport,
8 isn't it?

9 A Used to be Lod Airport at that time.

10 Q And the name was changed?

11 A And the name has been changed to Ben-Gurion after the Prime
12 Minister of Israel, Ben-Gurion.

13 Q How long did you remain in the position as Managing
14 Director of Ben-Gurion Airport?

15 A Almost six years. Until about two weeks ago.

16 Q And what happened two weeks ago?

17 A I just finished my career at the Airport Authority, and I'm
18 now consultant to aviation and security, and I'm all over the
19 world. I'm participating in conventions speaking, consulting,
20 and advising how to cope with emergency cases, how to run
21 security at the airport, which is a special field of knowledge,
22 security at airports, and mitigation, preparation, procedure,
23 everything concerned with the security at airports.

24 May I have some water, please?

25 MR. TOLCHIN: Is there some water?

1 MR. SAN-JUAN-DeMARTINO: I have it. Proceed.

2 THE WITNESS: Thank you.

3 Q (By Mr. Tolchin) Sir, I want to bring you back to the day
4 May 30th, 1972. Do you remember that day?

5 A Remember exactly what happened.

6 Q Okay. In short, what happened that day?

7 A Nighttime about 10:20, 10:30 p.m., I got a telephone call
8 from the airport telling me that a recent massacre hit the
9 terminal building, people were shot, there are bodies all over,
10 wounded people, and total chaos at the airport. Immediately --

11 Q Just step by step, Mr. Sarig.

12 On that day, in your job at the airport, were there people
13 who worked under you who reported to you?

14 A Yes. We have a procedure to report to the decision makers
15 24 hours a day on what's happening in the airport.

16 Q And, sir, when you found out that, as you said, a massacre
17 happened at the airport on that day, were you personally
18 involved in recovering the airport and determining what had
19 happened exactly on that day?

20 A First of all, I would like to mention that for us that was
21 a case similar to the 9-11 event in New York. That was the
22 turning point of the security -- aviation security in Israel
23 for us, from that point -- and "that point," I'm saying all
24 over the world, all over again, that was the 9-11 of the
25 aviation security in Israel.

1 Q Mr. Sarig, on that day, were you personally involved in
2 determining what happened and recovering the airport?

3 A We started to work immediately --

4 The answer is yes.

5 Q Thank you. And who else did you work with in supervising
6 the aftermath of the attack? Who else was involved besides
7 yourself?

8 A The procedure -- Now, defining the responsibility. Of
9 course, today, is the first response is -- airport security
10 people responding. At that time -- at that time, the concept
11 and the whole operation of the security was completely
12 different, and we should understand the atmosphere at that
13 time. It's not the way it is now at airports. Nobody in
14 airports around the world didn't maintain any security concern
15 with aviation. None at all.

16 Q Mr. Sarig, did anybody from the Israeli Defense
17 Establishment come to the airport on that day --

18 A Yes.

19 Q -- to help determine what had happened?

20 A Yes.

21 Q And who from the Israeli Defense Establishment came on that
22 day?

23 A In those cases -- and I had the chance -- the unfortunate
24 chance to participate in another terror attack on Ben-Gurion
25 Airport, and another five hijacking airplanes arrived to the

1 airport. In this case, we run simultaneously. The airport
2 administration trying and making the effort to return as fast
3 as possible to a normal operation, because Ben-Gurion Airport,
4 as I mentioned, it's a main gate to Israel. Then --

5 Q Mr. Sarig, please, who from the Israel Security Forces came
6 to the airport to help supervise the aftermath of the attack?

7 A And, simultaneously, in those cases, police and Army
8 arriving, Army Generals arriving to the airport to take care of
9 the situation -- to continue to take care on the situation in
10 those kind of events.

11 In this specific event, arrived to the airport three
12 generals. One, is General Recheval Ze'evi.

13 Q R-e-c-h-e-v-a-l F-e-z-e, apostrophe, e-z-i?

14 A -- Z-e-e-v-i.

15 Q Who else?

16 A The other one was the Commanding Officer of the Central
17 Zone in Israel. The second one was General Aharon Yaariv,
18 which is he used to be the Chief Intelligence at the IDF,
19 Israel Defense Forces.

20 Q A-h-a-r-o-n, last name, Y-a-a-r-i-v.

21 A Yeah.

22 And later on arrived the Chief of Staff, David Eleazar.

23 Q Sir, from those three individuals, those three generals you
24 mentioned, General Ze'evi, General Yaariv, are any of those men
25 alive today?

1 A Nobody is alive today. I am the only one can tell you
2 about what they discussed about, what -- what were -- the
3 question was. Because we had a lot of unknown information of
4 what is happening. The reason was that womans around said that
5 four Japanese --

6 Q Sir, we'll come to that in a moment.

7 A Okay.

8 Q You told us that you got a telephone call that something
9 had happened at the airport.

10 A Yes.

11 Q When you got that telephone call, what did you do?

12 A Immediately, as we used to, I went to the airport and then
13 I arrived over there as fast as possible from home, and I found
14 the chaos at the airport, the bodies, the dead people were
15 already away from the airport, and the wounded people evacuated
16 with ambulances and private cars to hospitals in Israel. And
17 only what I saw left, it was complete demolition of the entire
18 arrival hall and part of the public hall where the meeters and
19 greeters that were standing over there behind the glass wall
20 watching the arrival passengers that arrived to Israel.

21 Q Sir, after this event, were you involved in implementing
22 and creating security procedures to prevent this type of attack
23 from happening again?

24 A That was the third stage. The first stage was
25 simultaneously -- the first, to put back the airport to normal

1 operation. It means to clean the blood stains and the dust,
2 the open luggage -- the damaged luggages. Glasses, all over,
3 holes in the walls, so we are -- we were working as fast as
4 possible to remove everything simultaneously. The Generals
5 were considered what to do with the information about the
6 fourth one, the fourth Japanese terrorist that we didn't found.

7 Q Sir, just pay attention to the question. If you can, I'd
8 appreciate just say "yes" or "no."

9 After the attack, were you involved in implementing
10 security measures to prevent this kind of attack from happening
11 again?

12 A Absolutely, yes.

13 Q And in order to implement those security measures, was
14 it necessary for you to understand exactly what happened on
15 May 30th, 1972?

16 A That's for sure, yes. We knew -- we --

17 Q When you came to the airport on that day, did you
18 personally speak to all the senior people who were involved in
19 managing that situation?

20 A Yeah.

21 Q And were you -- Was one of the terrorists captured alive?

22 A Yes. One of the terrorists were captured alive; his name
23 is Kozo Okamoto, K-o-z-o, Okamoto is O-k-o-m-o-t-o [sic].

24 Q It's O-k-a-m-o-t-o?

25 A Okay.

1 Q And were you present when Kozo Okamoto was being
2 questioned?

3 A Later on he is being questioned, just one question. How
4 many they were arriving to the airport? How many?

5 THE COURT: How many terrorists?

6 THE WITNESS: How many terrorists.

7 The issue of knowing --

8 THE COURT: Excuse me.

9 Q (By Mr. Tolchin) Mr. Sarig, could you explain, please,
10 what was the issue about "how many terrorists"?

11 A That was a big issue. Because we found two dead terrorists
12 on the floor, one a live terrorist that was trying to run away,
13 and the information from eyewitnesses at that time said that
14 might be -- that there is another one at the airport area or
15 maybe at the air side, that is still aiming to continue another
16 terror -- another terror action.

17 THE COURT: So you had two dead terrorists?

18 THE WITNESS: Yes.

19 THE COURT: Mr. Okamoto, who was captured, and there
20 was concern that there was a fourth terrorist?

21 THE WITNESS: Yes, sir.

22 Q (By Mr. Tolchin) And where did that idea that there was a
23 fourth terrorist come from?

24 A Now, in retrospective of the -- in any case of those cases,
25 the first stage is kind of the unknown information, rumors,

1 everybody saw something different and you had to be collecting
2 information and trying to find out exactly what is the real
3 situation. In this case, people were reporting that they were
4 four of them shooting, throwing hand grenade, and they saw four
5 of them. We had only three, and we didn't know what about the
6 fourth one and where he is. And one thing we were certain that
7 he was not at the ground side of the airport, which means in
8 our terms, public areas. So the only possibility was that he's
9 at the air site somewhere, or might be around the runways,
10 might be endangering flights, airplanes, and everything
11 existing at the air site, or maybe run away from the airport to
12 the city from the fence. That was the great unknown question
13 that we had to solve simultaneously.

14 Q As best as you can, sir, can you describe, based on all the
15 information you have, how this attack was carried out.

16 A Again, we should understand the atmosphere at that time.
17 No security had been angled anywhere in the world. So
18 passengers used to come straight to check in their luggage and
19 that was it.

20 Q There were no magnetometers?

21 A No technology, no question, no means, no ways, and no
22 procedure. Nobody, just talked about getting rid of terror in
23 the airport --

24 THE COURT: So just place your bag there, and they
25 would put it on the plane?

1 THE WITNESS: Yes. Just as we remember those times,
2 nobody were asking questions concerning security. So those
3 people as a regular passenger, checking their baggage at the
4 parking airport, arrived to Ben-Gurion Airport, at that time we
5 didn't have bridges. So we took the passengers from the
6 aircraft to the immigration -- what we call passport control --
7 by buses, they arrived, the passport control -- all of them,
8 including those terrorists, were standing in Conveyor Number 2,
9 that was the France flight, waiting for the baggage to arrive.
10 Once the baggage arrived, they took off from the conveyor belt
11 the luggage, just open them, and took from inside the machine
12 guns and the hand grenade that they brought with them and
13 ammunition. Right after they took out the hand grenade and the
14 machine guns that -- the type was Kalashnikov. At that time,
15 they started to shoot and to throw hand grenades all over,
16 shooting innocent people, no armed forces, passengers --

17 THE COURT: When you say "no armed forces," there was
18 no attempt by the terrorists to single out armed forces
19 personnel; they just shot at random?

20 THE WITNESS: Yes, your Honor. Absolutely, yes, your
21 Honor. Because, first and foremost, we didn't have at that
22 time armed forces at the air site. Because the concept that we
23 talked about wasn't including at that from the air side; also,
24 not foreigners, terrorists serving the PLO at that time, the
25 concept was completely different. So we didn't have any armed

1 forces there. They didn't aim those armed forces. The only
2 one was armed, it was one Customs guy, and it's only for law
3 and order, not to fight. And he's the only one who was armed
4 over there.

5 But they started to shoot on innocent people standing
6 from that distance, maybe to the wall, watching the incoming
7 passengers over the glass wall, and on the passengers standing
8 around the conveyor belt and at the side of the conveyor belt,
9 completely around, kind of about two, 20 degrees around them,
10 they started to shoot all over.

11 They saw the foreign pilgrims arriving with them on
12 the plane, on the plane, so they saw them, I believe upon
13 departing. They knew that all those people standing around,
14 they saw them all over the flight and the check-in in Paris,
15 so they did it purposefully to take as many lives as possible
16 in -- in a short time they could do it, without -- and, also,
17 with the reason to commit suicide. And that will explain later
18 on the behavior with this terrorist Kozo Okamoto, why they came
19 to committed suicide also. So they couldn't care less on
20 anybody standing around them, even though they might had coffee
21 with them on the plane, whatsoever.

22 Q (By Mr. Tolchin) Sir, up until that point, May 30th, 1972,
23 was there ever an attack that took place in an airport like
24 this before?

25 A Never.

1 Q So -- but there had been hijackings before; is that
2 correct?

3 A Hijacking wasn't to Israel. Would like to mention year
4 later, we had very famous hijack, what we call "Sabena" case.
5 The first time the Israeli Armed Forces Commanders attack the
6 hijacked aircraft and kill the hijackers except one, a woman,
7 that was wounded, but they didn't -- Israel, the Government,
8 decided at that time, not to surrender to their demands and not
9 to let them get out of Israel without being -- without paying
10 for their -- for the attack.

11 Q On May 30, 1972, did Lod Airport have tight security around
12 the perimeter of the airport? In other words, could a
13 terrorist easily come into the airport, or leave the airport?

14 A It was -- the concept was only checking the departing
15 passenger. Like the way it is today, but, of course, less
16 -- less tight and without any special clever technology that we
17 have today; but the concept was that every airplane which will
18 take off from Israel will be safe. That was the purpose of our
19 security. But we didn't think about that -- that we might had
20 a terror attack from incoming airplanes.

21 MR. TOLCHIN: Your Honor, at this time there are two
22 photographs which were put on the list as Exhibits 59 and 60
23 which I'd like to show the witness. Should I mark them myself?

24 THE COURT: No, have the Clerk mark them.

25 MR. TOLCHIN: I have extra copies if you --

1 THE COURT: Okay. You can use the Elmo also.

2 MR. TOLCHIN: Oh, yeah.

3 THE COURT: You can publish it on the Elmo.

4 Mr. San-Juan, can you help out?

5 MR. SAN-JUAN-DeMARTINO: Yes, of course, your Honor.

6 MR. TOLCHIN: Your Honor, even though it's on the
7 Elmo, would you like a copy?

8 THE COURTROOM DEPUTY CLERK: 59 and 60.

9 (Photograph is marked and admitted as Plaintiffs'
10 Exhibit No. 59.)

11 (Photograph is marked and admitted as Plaintiffs'
12 Exhibit No. 60.)

13 MR. TOLCHIN: Yes. Just tell me --

14 Q (By Mr. Tolchin) Mr. Sarig, can you see the picture on
15 your monitor?

16 A That is what I explained.

17 Q Maybe it would be good to --

18 A That's the --

19 Q Sir, if you could stand up and use the --

20 THE COURT: It's on the back.

21 Q -- use the screen behind. And if you could just explain to
22 the Court what we are seeing in the picture, where we are --
23 And there's a second picture coming up after this.

24 THE WITNESS: What I explained --

25 Where's the marker?

1 That's the incoming hall. Arrival hall. That was the
2 scenery that I exactly saw. Because this picture had been
3 taken by the press around the time that I arrived.

4 So you can see the chaos and the blood stains all
5 over. You can see the policeman, not armed, as I explained
6 that we didn't have any policemen even there. That somebody
7 might say, that he was aiming at policemen. No, they just
8 arrived later on. And you can see they are not armed. Because
9 usually the police at that time at the airport basically deals
10 with passport control -- operating the passport, and the public
11 order, *et cetera*.

12 This is -- this is the glass wall that we were talking
13 about. The angle -- later on there is another picture that
14 will describe exactly the angle that they started to shoot.
15 But in this case, in this picture, you don't see the blood
16 stains. That picture is here, more visible to see, only on one
17 spot, but that was on the one spot. The dead people were here
18 behind the glass wall, there around the conveyor belt, and
19 there is over here an entrance to the VIP room which the
20 brother of -- at that time the President of Israel -- Professor
21 Aharon Katsir that got killed also, standing outside of the VIP
22 lounge. So he got killed also at that -- at that massacre
23 about 40 meters away from the conveyor belt. This side.

24 Q (By Mr. Tolchin) Let me change to the other picture.

25 A Okay. From the angle, is this. This wall, we had the

1 conveyor belt. At that time, the conveyor belt, not as modern
2 as it is today, just a flat one. As you can see, your Honor.
3 And they are going out in a circle.

4 Q So it comes outside?

5 A Goes outside from a hole in the wall and circling around
6 clockwise all the time. Very simple conveyor belts. That's
7 important information because later on I'll describe how he ran
8 away, this terrorist Kozo Okamoto. And this was Conveyor
9 Number One and this is Conveyor Number Two, the edge. You can
10 see the edge of it. And the massacre was taken care from
11 Conveyor Number Two.

12 Q That's where the terrorists were standing?

13 A Yes. Because the baggage arrived on the conveyor belt.
14 Immediately they started to run. You see from this area they
15 started to run and shoot all over. This is the entrance to
16 the VIP lounge over here. We are going to -- counter of
17 Information of Tourism, information, everything was running
18 innocently. That's the glass -- glass wall with the greeters
19 and meeters that they could watch to the arrival hall and saw
20 the people got killed standing behind of this wall. At least
21 one of them I remember named Adam Tzamir was 11 years old, came
22 with his -- with his parents to greet one of the relatives.
23 And that's the situation before we evacuated the building. You
24 can see over here smeared of blood all over. Broken luggage.
25 Total chaos. That was the situation. The only thing missing

1 over here is the wounded people.

2 Q So you mentioned the hole that goes to the outside. What
3 was the -- How was that hole important?

4 THE COURT: The hole in the conveyor belt?

5 MR. TOLCHIN: Yes.

6 Q (Mr. Tolchin) The hole in the conveyor that went outside?

7 A Yes, sir.

8 Q Why is that relevant?

9 A Why is that relevant? Because after they finished their
10 ammunition and they finished their shot and throwing the hand
11 grenades, two of them got killed during the attack, two of the
12 terrorists got killed during the attack, and we assumed that
13 they killed each other unknowingly, that they are shooting
14 because they did -- they didn't -- aware about the angles that
15 they were shooting and throwing the hand grenades not too far
16 away. One of them, as I mentioned before, Kozo Okamoto --

17 And I would like to mention that this is the name of
18 the terror attack that turns Israel until today. We call it
19 the Kozo Okamoto Event, because nobody in Israel doesn't know
20 about what happened in the Kozo Okamoto Event, that 26 people
21 got killed, Puerto Ricans and Israelis, and that's it. Only
22 Puerto Ricans and only Israelis.

23 Now, once they finish the shoot, Kozo Okamoto went to
24 the hole that the conveyor belt -- there are two holes -- one
25 the conveyor is circling. I'll show you over here. So one

1 hole is there and one hole is here, and then it's the full
2 circle. He ran away through the hole. Run away through a hole
3 which is, you know, that high to allow the -- only the suitcase
4 to get in, suitcases to get in, and he was kneeling and running
5 away to the nearest site from that hole.

6 After running away, an airport employee was at the air
7 side suspecting that this is the guy, maybe, the terrorist. He
8 didn't know at that time exactly what's happening like
9 everybody. Was complete shock. But in any case, he ran after
10 him and caught him. The airport employee got rewarded even for
11 that; his name is Hanan Zeitoun [sic]. Hanan is H-a-n-a-n,
12 Zeiton, it's Z-e-i-t-o-n [sic]. And he captured the murderer
13 Kozo Okamoto.

14 Q Thank you.

15 THE COURT: You may have a seat, sir.

16 Q I believe you said it, but I just want to repeat. How many
17 people were killed in the attack?

18 A Twenty-six.

19 Q Besides the people who were killed, were there other people
20 who were also --

21 A Wound.

22 Q -- wounded?

23 A About 80 of them.

24 Q How many?

25 A I think about 80.

1 Q About 80 people?

2 A Yeah. Yeah.

3 Q And can you describe the damage that you observed in the
4 airport.

5 A It was totally -- total damage that ran out of order, the
6 incoming and the public area without -- and we couldn't operate
7 the airport. We had to shut off the main gate to Israel.

8 THE COURT: For how long?

9 THE WITNESS: For several hours. If I recall, more
10 than four hours.

11 Now, I would like to mention that the other reason
12 for shutting off the airport was the question mark about where
13 is the fourth terrorist? Where he is?

14 Q (By Mr. Tolchin) And did Mr. Okamoto ultimately answer
15 that question?

16 A No. He -- First of all, we couldn't communicate with him.
17 The people couldn't communicate with him because they didn't
18 speak anything but Japanese. So one of our secret service got
19 the idea to bring a translator. And he mentioned that the --
20 there is one Japanese student in the Israel -- in the Hebrew
21 University in Jerusalem. So they were trying to locate him and
22 bring him -- him to the airport to translate. Eventually, they
23 did.

24 But, in the meantime, the question mark and the -- the
25 method to find this guy was also -- one of the Generals

1 suggested maybe to announce in the radio --

2 Radio at that time. We didn't have television
3 broadcast in the daytime.

4 -- in the radio -- that if somebody, one of the
5 citizens identified an Asian-looking guy, to report it to the
6 police. The other General refused, and he said that it might
7 be dangerous to somebody. He might pass a lynch from citizens,
8 might be dangerous to them. So they gave up this idea. And we
9 continued to search around the airport fence and, of course,
10 the police in the cities, they were aware. That was already
11 early in the morning. It was already dawn. We were standing
12 at that time --

13 Q Dawn you said?

14 A Dawn. We were standing at that time at the control tower;
15 from there, you can see the whole air site area and to command
16 the forces. Simultaneously, as I said, we were trying to fix
17 what we could and to clean up the floor from the blood stains,
18 the dust, all the wrecks, glasses. But I can tell you that the
19 smell of blood after an hour got a special smell you cannot
20 forget for the rest of your life.

21 Q Sir, what was done with the remains of the victims of the
22 attack? The ones that had come from Puerto Rico?

23 A Few days later, after the bodies were taken care in the
24 Israeli hospitals, we were conducting official ceremony at the
25 airport, coordinate with the official U.S. people, and with the

1 Ambassador at that time of America to Israel, Barbour, his
2 name.

3 Q B-a-r-b-o-u-r?

4 A Yes. Was his name. American airplane -- American Air
5 Force airplane arrived to the airport, we conducted over there
6 official ceremony with all the -- caskets you call it?

7 Q Caskets?

8 A -- were in front of the participants -- the minister --
9 priest conducting a prayer over them. The Ambassador was
10 -- gave a -- kind of a well speech, if I might say so. It was
11 very organized, very, very difficult -- dignified, the caskets
12 were covered with the American flag, and then they put -- they
13 were put in the airplane, the cargo airplane -- American Air
14 Force airplane. And that was -- that was another part that I
15 organized.

16 Later on, I organized a memorial corner for all those
17 dead people in this event. This memorial corner still exists
18 today, even though it's in the old terminal, but still exists
19 today, was made by Israeli famous artist, and that is to
20 remember, never to forget this event. Anyway, there is no one
21 in the Israeli Airport Authority that doesn't know about this
22 event. There's no one in the Israeli Airport Authority
23 Security Services, as I mentioned, we running in my last duty,
24 I was the Chief Commander of those security forces -- no one of
25 them doesn't know about this event, how it happened, what

1 happened, and, of course, we -- we now organize to prevent such
2 a thing or as a magazine declared, my presentation was managing
3 the safest airport in the world.

4 Q Mr. Sarig, before May 30th, 1972, had there ever been a
5 Palestinian suicide attack at an airport before?

6 A No.

7 Q And before May 30th, 1972, did it ever before happen that a
8 Palestinian terrorist group would carry out a terrorist attack
9 together with Japanese terrorists?

10 A Never. That was completely first time -- First, I would
11 like to mention that at that time one of the concepts said that
12 no Palestinian will committed suicide. And that was the
13 situation at that time. Second, they never conduct any terror
14 attacks in Israel by -- by another terrorist organization
15 outside of Israel.

16 Q Did the use of Japanese terrorists enable this attack to be
17 carried out, to succeed?

18 A Absolutely, yes.

19 Q Can you explain why?

20 A From their point of view -- from their point of view, I
21 thought, unfortunately, it was really deceiving.

22 Q Deceiving?

23 A Deceiving, yes. We didn't expect any Japanese, and we
24 didn't have any conflict with Japan or Japanese relation, that
25 I know of.

1 Q Would it be fair to say that at that time it was more
2 likely that somebody who appeared to be Arab might attract more
3 security attention than somebody who appeared to be Japanese?

4 A Yes, sir.

5 Q So is it fair to say that using a Japanese terrorist
6 enabled them to more easily come into the airport without
7 attracting attention?

8 A I wouldn't say more easily. I would say easily. Easily
9 using those Japanese, they knew those Japanese that we wouldn't
10 make any difficulties to them, immigrationwise, to come into
11 Israel. It was custom --

12 Q So it would not have been very easy for a Palestinian from
13 Lebanon to land at the Israeli airport at that time?

14 A For him it would have been -- I would like to mention
15 something. At that time, okay, so it's not the secret anymore,
16 at that time, the Israeli airline called El Al, they conducted
17 security on their airplane and before check-in. That's why
18 -- that's the reason why they didn't arrive with Israeli
19 airline, and they preferred to -- to arrive with Air France.
20 That, at that time, all Europe ignored the potential of
21 aviation terror from their soil. That's why they choose to
22 arrive not with an Israeli airline.

23 Q Okay. Mr. Sarig, you travelled all the way from Israel to
24 be with us today?

25 A I just arrived yesterday. And took off 24 hours before

1 -- took me 24 hours to arrive.

2 Q Thank you very much for coming.

3 A Thank you very much.

4 THE COURT: You're excused, Mr. Sarig. Thank you.

5 MR. SAN-JUAN-DeMARTINO: Your Honor, may it please the
6 Court, want to make sure that the exhibits that --

7 THE COURT: They've been marked.

8 MR. SAN-JUAN-DeMARTINO: -- been marked, and we would
9 also like the Court to receive in evidence the Declaration of
10 Mr. Sarig which has been -- should be marked as Exhibit No. 1.

11 MR. TOLCHIN: I should -- I guess I made a mistake,
12 because I don't think we formally marked those exhibits into
13 evidence, the photographs --

14 THE COURT: They're marked.

15 MR. TOLCHIN: They're marked?

16 THE COURT: Marked into evidence.

17 MR. TOLCHIN: They're in evidence?

18 THE COURT: Yes, they are.

19 MR. TOLCHIN: Okay. Thank you.

20 THE COURT: Do you have a copy of Mr. Sarig's
21 Declaration?

22 MR. SAN-JUAN-DeMARTINO: Yes.

23 THE COURT: All right. Admitted as Exhibit No. 1.

24 (Declaration of Ze'ev Sarig is marked and admitted as
25 Plaintiffs' Exhibit No. 1.)

1 MR. TOLCHIN: And I think at this time, it would make
2 sense to also offer the Declaration of Claude Zeitoun -- Claude
3 Chanan Zeitoun in evidence as well.

4 THE COURT: As exhibit?

5 MR. TOLCHIN: Exhibit No. 2.

6 THE COURT: Okay.

7 MR. TOLCHIN: That was the individual that actually
8 captured Okamoto?

9 THE COURT: I read the Declaration.

10 (Declaration of Claude Chanan Zeitoun is marked and
11 admitted as Plaintiffs' Exhibit No. 2.)

12 THE COURT: Is Professor Rubin in the courtroom?

13 MR. TOLCHIN: Would your Honor like to proceed to the
14 next witness?

15 THE COURT: Please.

16 MR. TOLCHIN: At this time I call Professor Rubin to
17 the stand.

18 THE COURT: Professor Rubin.

19 THE COURTROOM DEPUTY CLERK: Raise your right
20 hand.

21 (The oath is administered by the Courtroom Deputy
22 Clerk, and the witness answers as follows:)

23 THE WITNESS: I do so solemnly affirm.

24 THE COURTROOM DEPUTY CLERK: So help you God. Please
25 be seated.

1 BARRY RUBIN,
2 having been first duly sworn by the Courtroom Deputy Clerk of
3 the Court to tell the truth, the whole truth, and nothing but
4 the truth, was examined and testified upon his oath as follows:

5 DIRECT EXAMINATION

6 **BY MR. TOLCHIN:**

7 Q Could you state your full name.

8 A My name is Barry Rubin.

9 Q And where do you reside, Professor Rubin?

10 A I reside in Tel Aviv, Israel.

11 Q Professor Rubin, I'd like to show you a document that's
12 been marked for identification.

13 (Document is handed to the witness.)

14 Q And ask you whether this is your current C.V.?

15 A Yes, it is.

16 MR. TOLCHIN: Your Honor, at this time, I'd like to
17 qualify the C.V. itself into evidence?

18 THE COURT: Admitted as exhibit number?

19 THE COURTROOM DEPUTY CLERK: Five.

20 MR. TOLCHIN: Five?

21 THE COURTROOM DEPUTY CLERK: Yes.

22 (Professor Rubin's Curriculum Vitae is marked and
23 admitted as Plaintiffs' Exhibit No. 5.)

24 Q (By Mr. Tolchin) Professor Rubin, could you please
25 summarize briefly your educational background.

1 A I hold a Ph.D. in Middle East and U.S. History from
2 Georgetown Universities and previously Master's and Bachelor's
3 degrees as well.

4 Q And what is your current professional affiliation?

5 A I'm Director of the Global Research in International
6 Affairs Center, the Interdisciplinary University in Israel; I'm
7 a Fellow at the International Center for Counter Terrorist
8 policy; and I hold various other positions.

9 Q And --

10 A I'm a professor at the --

11 Q I'm sorry.

12 A And I'm a professor at the university.

13 Q And are all your current and past professional affiliations
14 reflected on your C.V.?

15 A Yes, they are.

16 Q And have you held professorships at any universities?

17 A Yes. At -- Well, mainly, but not exclusively, at
18 Georgetown University. At Johns Hopkins University School of
19 Advance International Studies. I've taught at a professorial
20 level at Tel Aviv Bar-Ilan Hebrew University. I've been a
21 Visiting Professor at the American University.

22 Q And in what field have you been a professor?

23 A In contemporary -- Well, in Middle East Politics, History,
24 International Affairs, including Field of Terrorism and U.S.
25 History also.

1 Q And have you served as a Visiting Fellow anywhere?

2 A Yes. I was a Council on Foreign Relations Fellow, and I've
3 also been a Fellow at the U.S. Institute of Peace, Washington
4 Institute for Near East Policy, and other places.

5 Q And are all of your Visiting Fellowships and Professorships
6 listed on your C.V.?

7 A Yes, they are.

8 Q And have you received academic grants?

9 A Yes, I have.

10 Q In what field?

11 A For studies in Terrorism in Middle East Politics and Modern
12 History.

13 Q And are all those listed on your C.V., sir?

14 A That's correct.

15 Q And have you held any foreign policy positions within the
16 United States Government?

17 A Yes. Well, I worked most -- most importantly, I've worked
18 in the U.S. Senate as an aide to Senators. I've also been
19 advisor to Senators, and I've done consulting work for a number
20 of U.S. agencies.

21 Q And does that include foreign policy and foreign relations?

22 A Yes.

23 Q And pertaining to the Middle East?

24 A That is correct.

25 Q And do you hold -- or have you ever held any editorial

1 positions relating to the International Affairs?

2 A Well, I'm the Editor of the Middle East Review of
3 International Affairs Journal, which is the largest Middle East
4 journal in the world; I'm Editor of Turkish Studies; I'm on the
5 Editorial Board of Middle East Quarterly.

6 Q And are all your editorships reflected in your C.V.?

7 A Yes, they are.

8 Q And have you published in the field of International
9 Relations?

10 A That is correct.

11 Q On -- Are all your publications listed in your C.V.?

12 A Yes, they are.

13 Q Have you written articles on the subject of the
14 Palestinians and the Palestinian Liberation Organization?

15 A Yes, I've written three books on -- on those topics
16 explicitly. I've edited three books on terrorism, which
17 included that, and other books in addition to that were written
18 with the journal articles dealing with those subjects.

19 Q And are those summarized -- those publications summarized
20 on your C.V.?

21 A That is correct.

22 Q Okay. Have you written any articles specifically on the
23 topic of North Korea and its connection to the Middle East?

24 A Yes, I have.

25 Q And is that listed in your C.V.?

1 A Yes, it is.

2 Q Do you recall the name of that article? If you recall?

3 A No. It went through more than one name, but North Korean
4 Involvement in the Middle East, something like that.

5 Q Have you written articles specifically on the subject of
6 North Korea's relation with the United States?

7 A Well, I've included that in the topic. I have not written
8 -- to my memory, a specific article dealt only with that topic,
9 but I've dealt with that in writings.

10 Q And that's also reflected in your C.V.?

11 A That's correct.

12 Q Have you previously served as an expert witness in the area
13 of Contemporary Middle Eastern History in any court proceeding?

14 A In Canada.

15 Q In Canada?

16 A Yes.

17 MR. TOLCHIN: Your Honor, at this time, I would ask
18 the Court to qualify Professor Rubin as an expert in the field
19 of Middle Eastern History and International Relations.

20 THE COURT: Professor Rubin is qualified in the field
21 of Middle Eastern History and International Relations.

22 MR. TOLCHIN: Thank you, your Honor.

23 Q (By Mr. Tolchin) Professor Rubin, do you have an opinion
24 with a reasonable degree of certainty as a scholar in
25 Contemporary Middle Eastern History whether agents of North

1 Korea or North Korean military and intelligent agencies
2 provided materials, support, resources, training, weapons, and
3 refuge to the Japanese Red Army and the Popular Front for the
4 Liberation of Palestine in connection with the Lod Airport
5 Massacre in 1972?

6 A Yes, I do.

7 Q And what is the basis of your opinion?

8 A The basis of my opinion -- Let me begin by saying that all
9 available sources, there are no sources or any items whatsoever
10 that contradict that assertion. The sources used are academic
11 sources, journalistic sources, and available court records,
12 among other things, which all do point us in that direction.

13 Q And in reaching your opinion, have you considered material
14 reported in periodicals and scholarly works dealing with
15 International Relations in history?

16 A Yes. I've examined all available materials that deal in
17 any way with this issue that are available in public -- and in
18 some cases, not available in public.

19 Q And in your opinion, Professor Rubin, did the 1972
20 Lod Airport Massacre bring together agents of North Korean
21 military and intelligence agencies, the Popular Front for the
22 Liberation of Palestine and the Japanese Red Army?

23 A Yes.

24 Q Can you explain that, please.

25 A Well, to begin with, I think the central idea to understand

1 here is during this period of time there was a three-way
2 alliance between these three factors; that is, North Korean
3 Government and its officials; the Popular Front for the
4 Liberation of Palestine, which I will hereafter refer to as the
5 PFLP; and the Japanese Red Army.

6 THE COURT: Professor, when you say within "this
7 period of time," what period of time are you talking about?

8 THE WITNESS: I'm talking about particularly the
9 period of 1970s; however, it also extended into the 1980s.

10 THE COURT: Okay. Go ahead, please.

11 Q (By Mr. Tolchin) Let me interrupt for a moment. Maybe I
12 have to explain some terms. Could you tell us what is the
13 PFLP?

14 A Yes.

15 Q Or what was the PFLP in 1972?

16 A Yes. The PFLP is an organization which brought together
17 two or three concepts. One of those was pan-Arab nationalism;
18 that all the Arab world should be united into one country. And
19 in doing so --

20 And this is a point that will become important in a
21 moment.

22 -- that they generally viewed all Arab regimes as
23 their enemies, even though they were sponsored by Syria to some
24 extent. The second concept was the Palestine concept that
25 Israel should be destroyed and replaced by a Palestinian-Arab

1 National State. And the third concept was a concept of
2 international revolution solidarity, making them willing and
3 eager to cooperate with revolutionary movements elsewhere in
4 the world.

5 Q In general, what was the ideology of the PFLP?

6 A It was semi-Marxists and Arab nationalism combined.

7 Q And we mentioned the Japanese Red Army as well. Can you
8 tell us in or about 1972, what was the Japanese Red Army?

9 A Right. In -- in the -- in some ways the same as the PFLP;
10 that is, although it's main priority was to make a communist
11 revolution in Japan, it also stressed hostility to other
12 governments in the world, which include the United States, to
13 Israel, as a country associated its mind with the West, and
14 very strongly emphasized international solidarity, and try to
15 align itself with existing communist states. Although only of
16 those communist states; that is, North Korea, was willing to be
17 their sponsor. Which, both the PFLP and the Japanese Red Army
18 had a problem in common, which is, that because of their
19 ideology, that there were a limited number of countries that
20 they could turn to for sponsorship, the PFLP also did have
21 Syria; but even though the Soviets and the Chinese had some
22 dealings with them, because of their opposition to existing
23 Arab states they were not willing to give them as much support
24 as they were to other groups. So the PFLP needed state
25 sponsorship.

1 The Japanese Red Army because the Soviets and the
2 Chinese didn't want to go too far in antagonizing Japan and
3 because they were seen as such an extreme and reckless group,
4 again, Japanese Red Army was in need of a sponsor, and it was
5 hard for them to find a sponsor, except for North Korea. So
6 the interest of these three came together during this period of
7 time; the 1970s and into the 1980s.

8 Q Was there anything about North Korea, its position in the
9 world or North Korea's ideology, that attracted North Korea to
10 the PFLP and the Japanese Red Army?

11 A Yes. North Korea, of course, was and is a communist state,
12 Marxist state; however, in the context of communist states, it
13 was very extreme and adventurous. That is, it was willing to
14 take risks during this period of time, beyond which even the
15 Chinese -- and this was, of course, the time of Mao Zedong, the
16 leader of the People's Republic of China. So North Korea is a
17 communist state, but it was very adventurous communist state.

18 What were the North Korean interests at the time? The
19 first and foremost interest was the destruction of South Korea
20 and the diplomatic isolation of South Korea in the world.
21 This, therefore, gave them a strong incentive to build links
22 with variety of states, including Arab states and causes, which
23 would help them isolate South Korea.

24 In addition, they had two other interests which were
25 important here. One of those was to make North Korea an

1 important country, a global player, and a global revolutionary
2 player. At the time of which we're speaking, the 1970s, was a
3 high point in the history of international terrorism. To be a
4 revolutionary player, you had to have terrorist assets. And
5 North Korea was in a weak position because it was a smaller and
6 weaker state than the Soviet Union and China. So for them to
7 get terrorist assets, they could not go, so to speak, with the
8 A-team, the first league. They had to find groups that others
9 were not willing to sponsor, and then use them to project North
10 Korean power by carrying out spectacular terrorist acts which
11 would show the world that North Korea was important, was
12 revolutionary, it was worth courting, and also supported Arab
13 causes, particularly in the Palestinian cause.

14 So there was a perfect fit between these three groups.
15 Each of them needed the others, and each of them -- the
16 alliance for each of them fit the pattern of their interests.
17 And each of them lacked alternatives other than an alliance
18 among the three parties.

19 Q And where did Israel fit into this picture?

20 A Well, for the PFLP, Israel was the number one target. For
21 North Korea and for the Japanese Red Army, it was more a target
22 of opportunity, that by joining with Arab Palestinian forces
23 attacking Israel, they could become more important, get
24 additional assets and prestige and allies. And, of course,
25 both for the Japanese Red Army and for North Korea, Israel

1 representing the West and United States. It was very explicit
2 at that time in the revolutionary, documented in literature,
3 that the strike in Israel was a way of weakening U.S. -- U.S.
4 influence in the world and in the Middle East.

5 Q Can you describe in 1972 the relationship between the PFLP
6 and the PLO. And, also, explain what is the PLO.

7 A The PLO or -- Actually, the technical name is Palestinian
8 Liberation Organization, was originally formed as an asset of
9 Egypt. But by 1968 the -- as -- the PLO is an umbrella
10 organization -- was meant to be an umbrella organization of
11 Palestinian groups under Egyptian patronage. By 1968, however,
12 things had changed a bit. The feat of the Arab states in the
13 1967 war showed that conventional armies had more limited use,
14 and, therefore, the PLO became a more important asset; and in
15 1968, came under the control of the Fatah group, which was an
16 Arab Nationalist group founded by Yasir Arafat.

17 Now, Fatah's view was much more of an umbrella
18 Palestinian Nationalist view. On the one hand, they wanted
19 to get along with Arab states and use them as sponsors. This
20 fact set them at odds with the PFLP, who saw itself as a
21 revolutionary organization. So Fatah wants to work with the
22 Arab states; PFLP wants to overthrow Arab states.

23 The second contradiction is that Fatah wanted to keep
24 the movement independent of Arab states, that the PFLP was
25 sponsored by Syria. So those two factors, plus the factor that

1 Fatah could not control the PFLP led to frequent conflicts.
2 And the PFLP, at times, was in the PLO, and, at times, it
3 walked out of the PLO.

4 Q I'm sorry. Professor, how would you define the term
5 "terrorism"?

6 A Terrorism to me --

7 And there's a great deal of debate, but I think it's clear.
8 -- is the deliberate targeting of civilians for political
9 purposes. And there are some corollaries to that. One of them
10 is the belief that using terrorism -- terrorism is a tactic or
11 strategy used by organizations. The -- First of all, the
12 belief that by use of terrorism the target population is
13 demoralized and disorganized and made ready to give up and
14 surrender. So terrorism is a tool which can be used to defeat
15 anomaly stronger opponent. The second feature of terrorism is
16 that the group that's doing it believes that it will be popular
17 with its constituency, that they will accept most heinous acts
18 and endorse them, and that they will then build a base for the
19 organization, make it more popular, and bring in recruits and
20 money.

21 So I think that -- to put it simply, that's the basis
22 of terrorist strategy. A terrorist strategy. This was
23 followed by the PFLP, and the Lod Airport attack was an example
24 of this kind of reasoning. By launching attack on an airport
25 to demoralize Israel and belief -- the wrong belief, but the

1 belief, nonetheless, that Israel would be made to collapse by
2 such attacks because ordinary life would be made impossible.
3 The belief that it would seriously damage tourism and
4 immigration, and the belief that because this would be so
5 spectacular and be on the front page of all the world's
6 newspapers, that it would win them support and recruits and
7 financial backing.

8 Q In the time period of 1970 to 1972, did the PFLP and the
9 Japanese Red Army form an alliance?

10 A Yes.

11 Q Why? How did that come to be?

12 A Well, as to why they formed an alliance, they had a common
13 interest. The Japanese Red Army, we should remember, was a
14 very weak organization. A very small organization. It had no
15 hope of bringing about a communist revolution in Japan. And so
16 it was driven abroad into the field of internationalist
17 terrorist solidarity for its activities. But the hope was, of
18 course, that any terrorist activities would make it much better
19 known, more popular, win it support, win it sponsorship.

20 At the time, the Palestinian movement -- and centered
21 in Beirut -- was at the very top of the world terrorist league,
22 so to speak. And any association with that movement would
23 bring the Japanese Red Army attention, resources, prestige,
24 and so on. So they had a real need to do so. The Japanese
25 Red Army established one of its two bases in Beirut where they

1 were hosted by the PFLP, they were trained -- their people were
2 trained in the camps of the PFLP, and the base was in North
3 Korea. So from the Japanese Red Army point of view, there was
4 strong reason for the alliance, they benefited from it, and
5 they invested a great deal in it. From the point of view of
6 the PFLP, it provided them with assets that were difficult to
7 trace, that -- that the -- an unexpectedness of involvement of
8 Japanese and terrorist attacks on Israel would be an asset in
9 penetrating places where they could not otherwise go. And I
10 might mention here that this is not the only example of the
11 PFLP using such associations. They used a Nicaraguan
12 Sandinista Hijacker on one plane to get on the plane without
13 being noticed to a greater extent, and they used, of course,
14 Carlos from Venezuela in another major attack, so this was very
15 much on their agenda.

16 Q That's the individual known as "Carlos the Jackal"?

17 A That is correct.

18 Q Now, can you describe, to the extent you haven't done so
19 already, what -- what revolutionary strategies were favored by
20 the PFLP in the early 1970s.

21 A It's important to mention the key event that lays the
22 groundwork for this which was the events in Jordan in September
23 of 1970. The PFLP and the PLO had a base in Jordan, they tried
24 to take over Jordan, and they did so by committing what was, at
25 that time, perhaps, the most spectacular -- one of the most

1 spectacular single terrorist events in modern history. The
2 attempted hijacking of four airliners and flying them to
3 Jordan. The attack had backfired the Jordanian Army throughout
4 the PLO and the PFLP. They went to Lebanon. And that period,
5 from 1971 to into -- into the end of '72, was the period of the
6 highest point of airplane hijackings and other international
7 acts of terrorism; in part, because they could no longer use
8 Jordan as a base to attack Israel. So this was a period in
9 which the PFLP committed many hijackings and spectacular
10 terrorist attacks in the Middle East and in Europe.

11 Q In the time frame of 1970 to '72, was the PFLP -- What was
12 the attitude of the PFLP towards obtaining state sponsorship
13 and support from states outside of the Arab world?

14 A They were very eager to do so, but it was difficult for
15 them. They could get some Soviet and Chinese help and
16 sponsorship, but those two countries were mainly committed to
17 their rivals, Fatah. So they knew it was limited.

18 Q And what was the PFLP's goals vis-a-vis Israel in that same
19 time period?

20 A To wage attacks on Israel -- on Israeli assets whenever and
21 wherever possible. And they could not do direct cross-border
22 attacks, so they had to look for other ways of doing so.

23 Q What did the PFLP hope to achieve by such attacks?

24 A I think they were -- at least three sets of factors here.
25 The first is the genuine belief that such attacks would

1 demoralize Israel and lead to its collapse, that they would
2 succeed through terrorism where conventional Arab armies had
3 failed.

4 Let me amend that and say four points.

5 That's the first point. The second point was that the
6 hope that spectacular terrorist attacks would provoke an
7 international war, in which Arab states would be pressed to
8 fight Israel again. The third factor was to promote the PFLP
9 to be better known, more prestigious, and to recruit sponsors,
10 money, and supporters. And the fourth was to highlight and to
11 strike against U.S. and Western influence in the region.
12 Which, all four of these things were achieved -- Well, the
13 Lod Airport attack was designed to achieve these four goals.

14 Q Was the PFLP concerned in the 1970 to 1972 time frame that
15 its attacks would be perceived as being outrageous or heinous?

16 A I think that was seen as a positive advantage. And
17 statements by PFLP leaders at the time said that. At a later
18 point there was some pressure on them, but not really until
19 '73, that they should cool down. But during this period, there
20 was not. So the more hein- -- The more civilians killed, the
21 more heinous the action in the eyes of the West or of Israel,
22 the better from their point of view.

23 Q Okay. In fact, after the -- Withdraw.

24 Was there at that time, 1970 to 1972, a -- Let's call it a
25 "competition." -- between terrorist organizations to increase

1 the heinousness of the attacks?

2 A Absolutely. And its success. PFLP was in competition with
3 Fatah, and to other groups, to show that they were the best,
4 the gravest, that they were achieving the most, because that
5 was the way that they would take leadership and get more
6 recruits, so it very conscious.

7 Q And, in fact, in 1972, after the Lod Airport attack, was
8 there another even more heinous attack?

9 A Well, there were a number of such attacks. You're
10 referring to the Munich Olympics operation, I believe?

11 Q Yes.

12 A This was a Fatah operation completely, and it was -- like
13 Lod Airport attack, it was designed to be a spectacular
14 operation, which would rivet the world's attention, and it did.

15 Q And that was just four months after the Lod Airport?

16 A Yes.

17 Q In early 1970s -- I'm talking about '70 to '72 -- did
18 agents of North Korea or the North Korean Military and
19 Intelligence establishment have any connection to the PFLP?

20 A Yes, they did.

21 Q What was that connection?

22 A They were courting the PFLP. That they visited them in
23 Lebanon. Most single significant event was the visit of the
24 PFLP leader George Habash to North Korea, which was publicized
25 by them, and there were a number of links and ties, training of

1 the PFLP people, also in courses in North Korea, as part of the
2 general North Korean support for terrorist operations. So
3 there were very closely links between the two.

4 Q And you mentioned that there were training camps?

5 A Yes. There were training camps in North Korea, which is
6 shown in the literature, and I -- I would have to check my
7 statement to the estimates of the number of terrorists in the
8 camps at that time from the number of different countries.

9 Q But the -- would you -- Can you say, as you're testifying
10 today, was it dozens, hundreds, thousands of terrorists who
11 were trained in those North Korean camps?

12 A Yes.

13 Q Just give an --

14 A Yes, several thousands.

15 Q Several thousands.

16 And did those several thousands of terrorists include
17 members of the PFLP?

18 A Yes.

19 Q And did it include members of the Japanese Red Army?

20 A Yes.

21 Q And what kind of training is known to have been offered at
22 these camps?

23 A The general training was basic military, explosives,
24 operations, and so on; however, in -- if a specific operation
25 is being planned, then a specific skills are offered and

1 rehearsals are held in order to prepare for launching such a
2 specific operation.

3 I think one point here should be explained very
4 clearly. When we talk about something like the PFLP or the
5 Japanese Red Army, we're talking about people who have
6 absolutely no military experience. These are not highly
7 trained soldiers. At the beginning, they know nothing at all.
8 Zero. They don't know how to fire a weapon or load a weapon or
9 clean a weapon or do surveillance or avoid detection, for
10 example, when travelling to Lod Airport. They don't know
11 anything. So everything, from the basis, must be taught to
12 them.

13 Now, the PFLP people were more advanced by the time
14 they went to Korea than the Japanese Red Army. The Japanese
15 Red Army people had absolutely no military training whatsoever.

16 THE COURT: So whatever training they needed to
17 conduct their activities was done in these training camps in
18 North Korea?

19 THE WITNESS: Well, there are two. There are training
20 camps in North Korea, and the PFLP training camps in Lebanon.
21 And those are the only two places that they were able to go.

22 Q (By Mr. Tolchin) Just as an aside, what was the -- the
23 origin of the Japanese Red Army members? In other words, what
24 was their background before their involvement in terrorist
25 attacks?

1 A Students -- I believe that not a single one of them had
2 even been in the Japanese Army. That no basis whatsoever -- they
3 were basically political activists.

4 Q Better to describe them as campus activists?

5 A Yes.

6 Q Student activists?

7 A Yes.

8 Q In the 1970 to 1972 time frame, did agents of North Korea
9 or North Korean Military Intelligence establishments supply
10 arms to the PFLP?

11 A Yes. Light arms, mainly.

12 Q Can you explain why did North Korea supply arms to small
13 groups such as the PFLP instead of focusing on supplying arms
14 to other countries?

15 A Well, first of all, I want to say that the Japanese
16 Red Army is a small group. The PFLP is not a small group. I
17 mean, they can put hundreds and thousands of men into the
18 field. So they're smaller than Fatah, but they're not a tiny
19 revolutionary sect, which the Japanese Red Army was.

20 Turning to the question about countries, I mean, North
21 Korea was at the time and remains to some extent, a pariah
22 state. That -- that because of the extremism of the regime,
23 there are not that many countries that want to deal with them.
24 Also the North Koreans had been involved in terrorism against
25 South Korea. And clearly, of course, the United States,

1 supported by European countries, was very much against
2 recognizing having relations with North Korea. So the North
3 Koreans basically had no presence in the Americas except for
4 Cuba, and they had -- they had basically no representation in
5 Europe. So they had a very limited number of options.

6 Then, in addition to that, they are far behind the
7 Soviets and the Chinese. Most of their weapons come from the
8 U.S.S.R. and China. So what could they offer? What possible
9 thing could make them attractive? And they correctly realized
10 they only had one thing, which is, that they were willing to
11 work with those who no one else would work with, to provide
12 weapons for those who no one else would provide weapons for;
13 and that not only applied to countries, it even applied to
14 terrorist groups. They had to go to the market that they could
15 achieve, and it was very limited, so they could not be choosy.

16 THE COURT: These -- When you talk about light arms,
17 you're talking about rifles, automatic rifles, were these --

18 THE WITNESS: Machine guns, yes.

19 THE COURT: -- were these North Korean made, or were
20 they -- I know Mr. Sarig talked about Kalashnikov rifles. Is
21 that the type of weapon that they -- that they would provide
22 these groups?

23 THE WITNESS: Absolutely. It's sometimes hard to tell
24 because you have two different sets of weapons. You have
25 weapons provided by the Soviets and Chinese, and, remember,

1 these could have been weapons ten to 15 years old, and then you
2 have copies. They were not -- To my knowledge, they were not
3 making unique things. They were simply copying. The AK-47 or
4 Kalashnikov was the most popular automatic weapon in the Soviet
5 Bloc. It was manufactured in many places. It was very widely
6 used. This is -- this is certainly at the top of the list as
7 one of the weapons -- kind of weapons they would have supplied.

8 Q (By Mr. Tolchin) Professor, you told us that the head of
9 the PFLP visited North Korea.

10 A Yes.

11 Q And that was Dr. George Habash?

12 A Yes.

13 Q When was that?

14 A I would have to check the month precisely, but it was
15 during the period when the Lod Airport attack would have been
16 planned.

17 Q It was before the Lod Airport attack?

18 A Yes.

19 Q And how was Dr. Habash received in North Korea?

20 A Lavishly. As he may -- probably would not have been
21 received in any other country in the world, as a hero, great
22 leader, as an important figure.

23 Q And was his visit presented in a positive or negative light
24 in the North Korean media?

25 A Positive. He was a guest, we should remember, of the North

1 Korean government and of its officials.

2 Q And how would you describe the level of freedom of the
3 press in North Korea?

4 A I think it's safe to say that at this time there was no
5 country in the entire world that was more closely controlled
6 than North Korea. No one entered, no one left, no one lived
7 there, no one did anything without the expressed approval of
8 the highest levels of the Government, the intelligence
9 establishment, and of the military. The -- that's -- Again,
10 no -- there's no country in the entire world where these things
11 were most -- were more totally controlled than they were in
12 North Korea at that time.

13 Q So is it fair to say, Professor, that if the North Korean
14 media presented Dr. Habash, or his visit, in a positive light,
15 that that was a statement of the North Korean Government's
16 policy?

17 A I think that's unquestionably true.

18 Q Okay. Now, at the time of Habash's visit to North Korea,
19 were there members of the Japanese Red Army present in Korea?

20 A Yes.

21 Q So in North Korea?

22 A Yes.

23 Q What was the circumstance of those Japanese Red Army
24 members being present in North Korea at the time of Habash's
25 visit?

1 A I think there were two groups. One was the hijackers of
2 the Japanese Airline, who were given refuge in North Korea.
3 And this included the brother of one of the Lod Airport
4 terrorists, which is going to become important later on. And
5 the others were simply people who had gone there individually
6 to join up with the other cadre.

7 Q Okay. The first group, I believe you first said, arrived
8 there how?

9 A As hijackers.

10 Q So they hijacked an airplane from Japan?

11 A Yes.

12 Q And landed it in North Korea?

13 A Yes. With permission of the North Korean government which
14 then offered them refuge, yes.

15 Q And were they taken prisoner in North Korea?

16 A No, we know from information -- the information that they
17 were free and were given training and were very well treated
18 and all their needs were supplied by the North Korean
19 government.

20 Q Now, would it have been possible in 1970 for anyone to
21 hijack an airplane, land it in North Korea, come off the plane,
22 and take up residence in North Korea without the explicit
23 cooperation and consent of agents of the North Korean military
24 and intelligence establishments?

25 A Your statement is correct. It would have been impossible

1 for them to land it or been there for one hour without North
2 Korean government making an explicit decision that this was in
3 their interest and this is something they wanted to promote and
4 that they would trust those people to act as their agents.

5 Q Now, at the time that Dr. Habash made his visit to North
6 Korea, was there anything going on in the world at that
7 specific time that would suggest that the visit made by
8 Dr. Habash was extremely important to him?

9 A Yes. First of all, the PFLP had lost its base in Jordan
10 and had moved its base of operations to Beirut and Lebanon. So
11 it was relatively insecure. It was on the defensive. Second
12 of all, that was the period of peak international terrorism.
13 One might argue to this day, that there has never been so many
14 incidents as in the period we are discussing between, let's
15 say, between 1970 -- from beginning of 1971 into early '73. So
16 the PFLP was engaged in major campaigns of hijackings and other
17 international terrorist operations; and at the time of his
18 visit, of course, were intending to continue those and were
19 looking for new opportunities to do so.

20 Q What was the Dawson Field incident?

21 A The Dawson Field incident which I referred to earlier, was
22 the attempted hijacking of four airliners by the PFLP. They
23 succeeded in three cases. Dawson Field was a World War II
24 British airstrip in Jordan which was unused but still
25 serviceable. The three hijacked planes were flown there to

1 create a big international crisis which the PFLP hoped would
2 allow them to take over, at least in part, the Hashamite
3 Kingdom of Jordan, and it failed -- it succeeded, but, of
4 course, it also backfired, because it ended up with their
5 expulsion from Jordan. I think -- I don't remember the exact
6 number, but several hundred people were held hostage during
7 that period for some time before being freed by the Jordanian
8 army.

9 Q And was that Dawson Field incident being carried out by
10 PFLP operatives?

11 A That is correct.

12 Q And Habash was in charge of the PFLP?

13 A That is correct.

14 Q And was the Dawson Field incident in progress at the time
15 that Habash went to North Korea?

16 A I believe -- Yes, correct.

17 Well, they had taken the planes, but they still -- the
18 incident was not settled. So for him to leave the scene at a
19 time when they were involved in the most important crisis in
20 terrorist activity that they had ever been involved in is an
21 indication of the importance of his going all the way to North
22 Korea to pay a visit.

23 Q Is it fair to say that at that time when the Dawson Field
24 incident was going on that was the number one news story in the
25 entire world?

1 A Absolutely. Yes.

2 Q And was that an incentive for the North Koreans?

3 A Absolutely. Because this was perceived as a great success.
4 Here was this terrorist group, which had just carried off an
5 unprecedented successful action, that was coming to them and
6 asking for help and alliance. And the Soviets, certainly, I
7 think, were not at all clear in that they wanted the Jordanian
8 Government to be overthrown and have such a crisis. So I don't
9 think he would have found such a great reception in Moscow, or
10 anywhere else in the world.

11 Q When Dr. Habash travelled to North Korea in 1970, did he
12 meet with any Japanese Red Army members who were present in
13 North Korea?

14 A Yes.

15 Q And were those meetings facilitated by North Korean
16 government military or intelligence agents?

17 A Yes. I should add that, of course, there were also
18 Japanese Red Army people in Lebanon, so they had already made
19 contact and been briefed by those people as to who to meet with
20 and what to expect.

21 Q Who -- What were the Japanese Red Army people doing in
22 Lebanon?

23 A Well, as I said, they were able to establish two bases.
24 The North Korea base and Lebanon base, and they were in Lebanon
25 to get training from the PFLP to associate itself with their

1 struggle and try to gain prestige from the association.
2 Because, as I said, remember that within Japan they had no
3 achievements to show. They also knew the people in Japan would
4 become aware of these activities, and they would hope that this
5 would bring them support.

6 Q Is it known whether in the periods of 1970 to '72, did --
7 were there any instructors or trainers from North Korea who
8 were present in Lebanon working with the PFLP or the Japanese
9 Red Army?

10 A Well, for me, this is hard to say. Certainly, people
11 -- North Koreans who were accredited diplomats were visiting
12 and involved with the PFLP and the revolutionary groups.
13 Whether they were actually serving as instructors in the camps,
14 I don't remember that.

15 Q Were they -- the North Korean agents in Lebanon providing
16 any support in Lebanon to the PFLP, or the Japanese Red Army?
17 To your knowledge?

18 A Not -- not to my knowledge.

19 But if they had provided weapons to the PFLP, then
20 those would have gone to Lebanon and been distributed there.

21 Q Okay. Are you aware of a telegram being sent from
22 Kim Il-sung to Yasir Arafat that was published in a North
23 Korean state newspaper?

24 A Yes.

25 Q In May, 1970?

1 A Yes.

2 Q And what was the gist of that telegram?

3 A It was a telegram of strong support for Arafat and the
4 Palestinian cause and for their activities.

5 Q And who was Kim Il-sung?

6 A He was the dictator of North Korea whose status could be
7 described as somewhat god-like in the North Korean system.

8 Q I'm going to turn now to the Japanese Red Army. What was,
9 to your knowledge, the first major international operation of
10 the Japanese Red Army?

11 A Well, I think that the hijacking certainly, you know, was a
12 very significant operation. There were others also.

13 Q That's the hijacking to North Korea?

14 A Yes. I think that's the one that certainly got the most
15 international publicity.

16 Q Okay. After the 1970 hijacking, what was the relationship
17 between the Japanese Red Army and North Korea?

18 A I think that it -- they clearly entered into a
19 patron-client relationship. This is, as I say, they had two
20 bases; but we should remember that their goal was to bring
21 about revolution in Japan, and the -- North Korea is about the
22 closest country to Japan. If they wanted to be players in
23 Japan and to at least pretend to themselves they had some hope
24 of revolution, then the North Korean base was irreplaceable.

25 Q At that time, 1970 to '72, were any other states sponsoring

1 the Japanese Red Army?

2 A Absolutely not.

3 Q In or about 1970 to '72, what -- where was the focus of
4 Japanese Red Army activities? Was it in Japan? Elsewhere?

5 A Although they had sympathizers in Japan and they could do
6 things like show propaganda films, they really were not very
7 successful activists, so the two centers are North Korea and
8 Lebanon.

9 Q What sources do we have? How do we know about the
10 relations between the Japanese Red Army and North Korea in the
11 1970 to '72 time frame?

12 A Well, there are a number of sources, but let me begin with,
13 I think, the three most interesting points. First of all, we
14 have the testimony of the surviving Japanese Red Army
15 terrorist.

16 Q Kozo Okamoto?

17 A Yes, that's correct.

18 Secondly of all, we have the testimony of the wife of
19 one of the terrorists who was living in -- one of the Japanese
20 Red Army terrorists, who was living in North Korea at the time.
21 Thirdly of all, we have the arrest and testimony of terrorist
22 arrested later who had been based in North Korea, was arrested
23 with -- in his possession North Korean diplomatic passport. So
24 these are all direct inside sources.

25 In addition to that, there are a number of

1 intelligence assessments, journalistic articles, material in
2 North Korean media, which of course is all government approved,
3 and a range of scholarly studies.

4 It is difficult in dealing with such a closed society.
5 The disadvantage is -- even dealing with such a closed society
6 and of course secret operations to know what went on, but that
7 is countered by the fact that since every action is an official
8 action approved by the intelligence military and the high
9 leadership of North Korea, then we know that these are official
10 actions. And it's possible to give examples.

11 Q Please do.

12 A Well, for example, perhaps for our purposes, the single
13 most important is the recruitment of Lod Airport terrorists.
14 As we know that Mr. -- I don't want to mispronounce the
15 Japanese. -- Okamoto, his -- is in Japan. His brother is one
16 of the hijackers; he's in North Korea. The brother, according
17 to his own testimony, says, We want to recruit you, but we
18 don't want you to come here because they don't want their
19 fingerprints to be too much on it, and we want you to proceed
20 to Lebanon for training to carry out this operation.

21 Now, the -- the dispatch of a message from North Korea
22 to Japan in this matter would only be possible if the North
23 Korean government and its agents knew about the contents and
24 approved it. So we know right here that -- that they are
25 approving the operation by evidence that we have.

1 Q So Kozo Okamoto's brother, who was in North Korea at that
2 time, couldn't simply pick up a phone and call his brother in
3 Japan?

4 A That's correct. He did so in a way -- And, remember, that
5 he wasn't just recruiting him for the Japanese Red Army active
6 forces, but for the specific operation that would be -- he
7 didn't say this obviously in the telegram -- but the specific
8 operation would be at Lod Airport. So we know, therefore, that
9 they were aware of this and participating in the planning. If
10 I had to pick one thing -- There are other things, too. But
11 that is -- that in itself, that one piece of information in
12 itself, to me, is -- is sufficient indication of what's going
13 on.

14 Q So is it fair to say, Professor, that without the
15 participation and approval of employees of the North Korean
16 government, the Okamoto brother in Korea could not possibly
17 have had that communication with his brother in Japan?

18 A Correct. And just to give one other very simple and
19 evident point. The aftermath of the attack, the relationship
20 remained with -- the North Korean remained with both groups,
21 they obviously were not upset about it, they viewed it as an
22 asset, they didn't take any action to close them down or expel
23 them; and, so, there are a number of steps and factors you can
24 build a case on, and there's absolutely no indication to the
25 contrary in any way.

1 Q You mentioned something about a diplomatic passport. Would
2 it be possible for a Japanese citizen living in North Korea to
3 obtain a North Korean diplomatic passport without the
4 participation and involvement of North Korean government
5 employees?

6 A Not only that, but such an operation would have to be
7 approved at the highest level, which means Kim Il-sung of the
8 North Korean Government. It would have to be discussed -- And,
9 also, in addition to that, the North Koreans do have a pattern
10 of such operations with surrogate forces.

11 THE COURT: Who's this person with the diplomatic
12 passport again?

13 THE WITNESS: He's one of the Japanese Red Army people
14 who had gone to North Korea, had lived there for a number of
15 years, participated in the training, and then had become fully
16 a North Korean agent. Because after a certain point in time,
17 the Japanese Red Army people in North Korea ceased to act,
18 identified separately as Japanese revolutionaries, and they
19 become fully North Korean agents who just happen to have been
20 from Japan. So it shows the further incorporation, their
21 approval of their earlier action, the feeling that the Japanese
22 Red Army people had done a good job. And Lod Airport is the
23 main thing they did a good job on. This is -- this is really
24 their main achievement. So it shows high approval for the
25 operation.

1 THE COURT: Was he one of the 1970 hijackers?

2 THE WITNESS: I believe he was, but I wouldn't want to
3 make a mistake. I'd have to consult my material.

4 THE COURT: But, in any event, he was a member of the
5 Japanese Red Army in North Korea at the time?

6 THE WITNESS: Yes. As I said, there were two groups
7 of people: there were the hijackers and there were others who
8 quietly left Japan and made their way there. And, of course,
9 that shows also, after the hijacking, during the period leading
10 up to the Lod Airport attack, the continuing approval and use
11 of the North Korean government of the Japanese Red Army as an
12 asset. But I think that they deliberately did not want to pick
13 people who had been a resident in North Korea to carry out the
14 attack because they wanted a certain level of deniability.

15 Q (By Mr. Tolchin) Professor, who was Yoshimi Tanaka?

16 A To avoid making a mistake, I would want to consult my --

17 Q Let me ask the question a different way. Was a -- Was
18 there a member -- was it a -- Were any of the original 1970
19 hijackers subsequently arrested in Thailand?

20 A Yes.

21 Q And what were the circumstances of that?

22 A That he was -- that we -- this is what we've been talking
23 about. That he was involved in -- in North Korean intelligence
24 operations, including distribution of counterfeit money.

25 Q And you mentioned something about the wife of one of the

1 1970 hijackers.

2 A Yes.

3 Q And you said she later testified someplace.

4 A Yes.

5 Q And what were the circumstances of that?

6 A That she somehow got out of North Korea, made her way back
7 to Japan, and was questioned there, and we have her statement,
8 and it's included in our materials.

9 Q Okay.

10 A And she describes how well they were treated, how they were
11 treated as guests, and totally incorporated into sort of North
12 Korean intelligence and military apparatus.

13 Q And based upon everything that you've read and reviewed and
14 studied about this matter, can we pinpoint when the plan to
15 attack Lod Airport began to be hatched?

16 A Well, yes. First of all, let's say that, at the time of
17 George Habash's visit in late 1970, I think it's reasonable to
18 conclude that the alliance was made or strengthened and the
19 agreement was made to carry out joint operations. Because this
20 is the only thing that PFLP did, was to carry out terrorist
21 attacks. So I think that here in late 1970 we have the basis
22 of the agreement to carry out operations. And that whatever
23 detailed discussion about what kind of operation they would
24 carry out, by this time -- by the time you get into 1972,
25 regular hijackings are a bit old hat, it's been done, so if you

1 want to be spectacular, you have to think a little
2 differently, you still have an aviation target, but it's
3 not a plane. There's been a strengthening of security on
4 planes. So I think it's reasonable to conclude that as they
5 carried out discussions in '71 about, "What can we do
6 together," they've got the idea of doing something related to
7 aviation but not an airplane hijacking, as such, developed.

8 And then we see the recruitment of Mr. Okamoto. At
9 that point, then we know that the specific operation has been
10 agreed upon. Then he goes -- and as he testifies with the
11 other two -- the candidates, they are trained in Lebanon for
12 this operation, and then embark on a circuitous route to get to
13 Lod Airport. So we can follow the development of this plan to
14 fruition.

15 Q Why was it useful to the PFLP to involve the Japanese
16 Red Army in this 1972 Lod Airport attack?

17 A We see a pattern developing -- once hijacks had been
18 begun. But obviously our -- individuals are going to be a
19 focal point if they go on an airplane, they come into Israel,
20 they will -- they will examine them more closely. So if you
21 have non-Arabs -- and this is, by the way, a pattern that we've
22 seen down to the present day. -- then the hope is that they
23 can elude detection more easily. Because in counter-terrorism,
24 you always have limited assets. You have "X" number of
25 airplane passengers; you cannot devote similar amount of

1 attention to each and every one of them. You have to set
2 priorities. And if you see people are Japanese, then they're
3 going to go to the bottom of the priority list, unless you have
4 some specific intelligence information, because they are less
5 likely to be terrorists. Of course, this is before the attack.
6 After the attack, things had to be reconsidered. So it's a
7 terrific operational idea to use people who are not going to be
8 suspect and who can then get access to the target.

9 And so the use of Japanese -- as we see in other
10 cases, we see the use of Latin-Americans -- was absolutely
11 essential to the success of the operation. If you didn't have
12 these people, the odds against success are enormous. It's
13 absolutely critical. Without the participation of the Japanese
14 Red Army people, the Lod operation would never have happened.
15 Without their support from North Korea, the operation would
16 never have happened.

17 Q To what extent in 1970 to '72 time frame is it known
18 whether PFLP or Japanese Red Army operatives from Lebanon would
19 go to North Korea for training, or Japanese Red Army operatives
20 in North Korea would come to Lebanon for training?

21 A Well, I think that -- I think that the purpose of the
22 Habash visit -- and, after all, we have evidence that this was
23 no routine visit. It was of highest importance, because it
24 took place in the midst of enormous -- if you took -- George
25 Habash was active from the mid-1960s until his death for a

1 period of 30 years, 35 years. And in that entire 35-year
2 career, there was no more critical moment than when he chose to
3 go to North Korea.

4 So I think the purpose was to establish an agreement.
5 Afterwards we see increased intensity of contacts in
6 cooperation, and that was certainly the beginning. Now, in
7 general, I -- they were not shifting people back and forth to a
8 huge extent. To a small extent. Most of the people trained in
9 North Korea were PFLP people, not Japanese Red Army people of
10 Lebanon. So they existed, in part, as two somewhat separate
11 phases. But obviously in close coordination with each other.

12 Q Okay. In the case of Kozo Okamoto, he was arrested -- we
13 heard testimony this morning -- after the attack at Lod. Do
14 you know if he would -- was he put on trial in Israel?

15 A Yes.

16 Q And was he convicted of a crime in Israel?

17 A Yes.

18 Q And he served time in jail in Israel?

19 A Yes.

20 Q Did the proceedings in the Court the Israel, in other
21 words, the testimony, reveal any links between North Korean
22 military agents and intelligence agents and the Lod Airport
23 attack?

24 A Yes. Well, first I should say that -- I think you can say
25 that he cooperated fully; that he spoke fully; he talked about

1 his contacts with people in North Korea during the time he was
2 Japan; the orders he received; and some of the relationships
3 that existed. So his testimony is a gold mine, and it rings
4 very true. There's nothing exaggerated or strange in it.

5 THE COURT: Did anything happen to his brother, who
6 was in North Korea, because Kozo Okamoto did not commit suicide
7 and was, you know, as you said, he cooperated fully?

8 THE WITNESS: No. His brother remained unaffected.
9 I'm sure that while they weren't pleased that he was captured
10 and testified, that he had carried out the operation, after
11 all, and the operation as a whole was a success from their
12 viewpoint. So I don't think that there was any feeling that
13 punishment was necessary.

14 In addition, we should remember that North Korea
15 -- neither North Korea nor the PFLP suffered as a result of the
16 Lod Airport attack. So it isn't as if the North Koreans could
17 blame him because of his testimony. So all of those people,
18 including his brother, continued to be trusted operatives of
19 the North Korean government and its agents.

20 Q (By Mr. Tolchin) Professor, there were three terrorists on
21 the ground at Lod; but is it fair to say that there were more
22 individuals from the Japanese Red Army in the PFLP who were
23 involved in this operation from a support perspective?

24 A Yes. And North Korean agents. Any terrorist attack
25 depends on involvement of large groups of people. You need the

1 recruitment, you need the training, you need the army, you need
2 the provision of false documents which are credible, and I
3 don't think -- Although I can't prove this. -- I think it's
4 safe to say that the PFLP did not have the capability to
5 produce such false documents. That the only people who could
6 have produced it for them were the North Koreans, who had a lot
7 of experience in this area. So there's a whole large cast of
8 characters that stand behind an operation in which three people
9 are firing guns.

10 Q So in order for this operation to have succeeded, it was
11 necessary for employees of the North Korean government to, for
12 example, generate false travel documents?

13 A Absolutely. I mean, it should be remembered that this is a
14 very complex operation in which you want to get terrorists into
15 one of the most critically defended -- the -- the most
16 critically defended public facility in Israel, which is a
17 country with a strong defense and intelligence capability. So
18 to do this, you have to create credible back stories; that is,
19 cover stories for the people involved, you have to cover the
20 tracks, you have to have them in places where foreign
21 intelligence cannot penetrate, to using secure lines of
22 communication that cannot be read. The PFLP is not a country;
23 it's not a government. Its capabilities are limited. So to
24 -- this is why terrorist groups need state sponsors. Even in
25 some cases, the most important of them, especially at that

1 period of time when these things were more difficult, because
2 if you're going to have a serious complex operation, there's
3 simply a lot of things that a terrorist group cannot handle on
4 its own. So that's why they -- they need to find help from a
5 government with unlimited money, with advanced printing
6 presses, with the top quality communications that can't be
7 broken. I mean, if the PFLP needs to send a telegram -- if
8 they need to send a communication, they need to have somebody
9 help them because the American codebreaking is very good. So
10 how do you get around that? So this is why you need a state
11 sponsor. And while the North Koreans did have Syrian backing,
12 there's never been any implication that Syrians were involved
13 in this particular operation. So where else can they go? This
14 is indispensable for them.

15 Q We talked about --

16 A We're not talking here -- not talking here about three guys
17 with guns who are going to sneak under the cover of night
18 across the Lebanon/Israel border. We're talking about a
19 sophisticated, costly, international operation which ends up
20 with those guys standing in Lod Airport.

21 Q When we talk about the North Koreans being involved, are we
22 talking about just civilian people in North Korea, or are we
23 talking about employees and agents of the North Korean
24 government military and intelligence agencies?

25 A First and foremost, we're talking about the -- the officers

1 of North Korean Intelligence Agency, but in something like
2 this, in a country like North Korea, it is inconceivable that
3 they would take any step whatsoever without full knowledge of
4 the most senior leadership of North Korea, which means Kim
5 Il-sung himself. This is not some operation that can be set up
6 on mid- or even high level of the intelligence or military
7 without approval from the very highest authority and full
8 knowledge.

9 Q After it was over, in your opinion, how did the North
10 Korean government view the May 30th, 1972, Lod Airport attack?

11 A Well, I believe they were very pleased, they continued
12 their relationship with the PFLP and the Japanese Red Army.
13 But this is the high point of their achievement, from that
14 point of view.

15 Q And in your opinion, Professor, from 1970 to 1972, did
16 agents of the North Korean military and intelligence agencies
17 consistently provide material support to the Japanese Red Army
18 and the PFLP, harbor Japanese Red Army terrorists, train
19 terrorists, and give them financial support?

20 A Yes, I believe that that is irrefutable. Absolutely true.

21 MR. TOLCHIN: Your Honor, I would like to offer into
22 evidence the Declaration submitted by Professor Rubin, and I
23 would like to take a moment, if the Court wouldn't mind, just
24 to confer with my colleagues.

25 THE COURT: Of course.

1 (Respite.)

2 MR. TOLCHIN: Your Honor, I have no further questions
3 for the witness. And the Declaration is Exhibit 6?

4 THE COURT: Admitted as Exhibit 6, Dr. Rubin's
5 Declaration.

6 (Dr. Rubin's Declaration is marked and admitted into
7 evidence.)

8 THE COURT: Let's take your lunch break now. Please
9 be back at 2:00 because I have a meeting at 1:30.

10 MR. TOLCHIN: Thank you, your Honor.

11 This is the Exhibit 6.

12 (Dr. Rubin's Declaration is marked and admitted as
13 Plaintiffs' Exhibit No. 6.)

14 (A lunch break is taken from 12:31 p.m. until
15 2:08 p.m.; at which time, the proceedings continue as follows:)

16 THE COURT: Good afternoon. Please be seated.

17 Who is your next witness?

18 MR. TOLCHIN: Your Honor, we call Dr. Bruce Bechtol.

19 (The oath is administered by the Courtroom Deputy
20 Clerk, and the witness answers as follows:)

21 THE WITNESS: I do.

22 **PROFESSOR BRUCE EMERSON BECHTOL, JR.,**

23 having been first duly sworn by the Courtroom Deputy Clerk of
24 the Court to tell the truth, the whole truth, and nothing but
25 the truth, was examined and testified upon his oath as follows:

DIRECT EXAMINATION

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BY MR. TOLCHIN:

Q Professor Bechtol, would you state your full name.

A My full name is Bruce Emerson Bechtol, Jr. I reside at 10502 Watford Lane, Fredericksburg, Virginia.

Q When we submitted your Declaration to the Court, I believe we attached your biography and not your C.V., in error. To just show you this and ask you to identify whether this is your --

A That is a Curriculum Vitae, sir.

MR. TOLCHIN: Your Honor, I'd like to mark a copy of this C.V. and offer it in evidence.

MR. SAN-JUAN-DeMARTINO: That will be Plaintiffs' Number 3.

MR. TOLCHIN: Yes. That's Plaintiffs' Exhibit Number 3. I apologize, your Honor, that we attached the wrong exhibit to the Declaration.

THE COURT: Fine. You know, I guess, Dr. Bechtol's biography summarizes --

MR. TOLCHIN: It's a summary, but it doesn't list the publications, and it's not as detailed.

(Curriculum Vitae of Professor Bruce Bechtol, Jr., is marked as Plaintiffs' Exhibit No. 3.)

MR. TOLCHIN: May I proceed?

THE COURT: Yes. Go ahead.

1 Q (By Mr. Tolchin) Professor Bechtol, can you please
2 summarize your educational background.

3 A Yes, sir. I have a Ph.D. in National Security Studies from
4 the Union Institute, and I have a Master of Arts in
5 International Affairs from the Catholic University in
6 Washington, D.C., and a Master's degree in Military Studies
7 from Marine Corps Command and Staff College in Quantico.

8 Q And what is your current professional affiliation?

9 A I'm a full professor of International Relations at the
10 Marine Corps Command and Staff College at Quantico, Virginia.

11 Q And is that reflected on your C.V.?

12 A It is. I'm also a Fellow at the Institute for
13 Korea-American Studies, and I sit on the Board of Directors of
14 the International Council of Korean Studies, and the Board of
15 Directors on the Council and U.S. Korean Security Studies.

16 Q Aside from your current professorship, did you have any
17 prior academic appointments?

18 A Yes. I was a professor at the Air Command and Staff
19 College at Maxwell Air Force Alabama from 2003 to 2005.

20 Q And that -- Are those prior academic appointments reflected
21 on your C.V.?

22 A Yes, sir.

23 Q And prior to your academic career, did you serve in the
24 military?

25 A I did. I served for 20 years, active duty, in the United

1 States Marine Corps. And most of the time I was posted either
2 in the Western Pacific or in East Asia.

3 Q And while in the --

4 THE COURT: Were you ever posted the Okinawa?

5 THE WITNESS: Yes, sir. Part of the penance for being
6 in the Marine Corps you have to serve at least once in Okinawa.

7 THE COURT: Well, I served there too. I was a
8 23-year-old single person. I don't think it was a penance.

9 THE WITNESS: I know. It is a fun place. It is a fun
10 place, sir.

11 THE COURT: Go ahead. Sorry for the interruption.

12 Q (By Mr. Tolchin) Professor, while in the Marines, did you
13 serve in an intelligence capacity?

14 A For my entire 20-year career, I served in an intelligence
15 capacity. And following my retirement in 1997, I served for
16 six years as an intelligence officer at the Defense
17 Intelligence Agency at the Pentagon. In 2003, I was promoted
18 to Senior Intelligence Analyst, and I lead a team of eight
19 analyst -- Chinese, North Korean, and Japanese analyst -- at
20 the Pentagon, reporting to the Joint Chiefs of Staff.

21 Q And did your intelligence capacity in the military relate
22 to Korea?

23 A Almost all of it related directly to North Korea, yes.

24 Q And have you published any scholarly writings relating to
25 Korea?

1 A As of this time I've been published in 19 Peer Review
2 Journals to include the East Asian Review, the International
3 Journal of Korean Studies Foreign Policy, journals such as
4 that. I have one book that was published in 2007 entitled Red
5 Rogue: The Persistent Challenge of North Korea. I have
6 another one that is coming out in May of next year entitled,
7 Defiant Failed State: The North Korean Threat to International
8 Security. And I've also edited one volume in 2008.

9 Q And are your scholarly writings related to Korea all
10 reflected in your C.V.?

11 A Every single one of my scholarly writings is directly
12 related to North and South Korea, and they're all in my C.V.

13 Q And have you served in an editorial capacity with respect
14 to any scholarly publication related to Korea?

15 A Yes, sir. I served as the editor of the Defense
16 Intelligence Journal in 2004-2005, and I sat on the editorial
17 review board of the East Asian Review from 2005 to 2009.

18 Q Are those reflected in your C.V.?

19 A Yes.

20 Q And do you serve on the board of any organizations related
21 to Korea?

22 A Yes, sir. As I just said a few minutes ago, my belongings
23 go beyond that. I served on the International -- Board of
24 Records of the International Council of Korean Studies, the
25 Board of Directors on the Council on U.S. and Korea Security

1 Studies, and I am a Fellow at the Institute for Korean-American
2 Studies.

3 Q And that's all reflected on your C.V.?

4 A Yes, sir.

5 Q And do you speak or read Korea?

6 A I speak and read Korean.

7 Q Fluently?

8 A Yes, sir. Defense Language Institute, three plus three on
9 the battery test.

10 MR. TOLCHIN: Your Honor, at this, I'd like to ask the
11 Court to please qualify Dr. Bechtol as an expert regarding
12 International Affairs of North Korea?

13 THE COURT: I will so qualify him. Thank you.

14 MR. TOLCHIN: Thank you, your Honor.

15 Q (By Mr. Tolchin) Professor Bechtol, are you -- have you
16 been asked to give an opinion as to whether North Korea
17 provided material support, resources, training, weapons, and
18 refuge to the Japanese Red Army and the Popular Front for the
19 Liberation of Palestine in connection with the Lod Airport
20 Massacre of 1972?

21 A Yes.

22 Q And do you have such an opinion?

23 A Yes.

24 Q And, sir, is your opinion based on your academic studies,
25 research, and information you learned over the course of your

1 many years as an Intelligence Officer, scholar, and expert on
2 Korean Affairs?

3 A Yes.

4 Q And did you obtain information to form your opinion from
5 interviews with political leaders, reviews of documents,
6 periodicals, news reports, government publications, and
7 scholarly works, as well as your own experience?

8 A Yes, sir.

9 Q And based on your personal knowledge and research of the
10 type reasonably relied on by an expert in your field, do you
11 have an opinion that North Korea supported -- as to whether
12 North Korea supported the Japanese Red Army by providing its
13 members with financial help, safe haven, and training?

14 A I do, yes.

15 Q Can you provide the Court with a concise summary of the
16 history of the North Korea regime.

17 A The North Korean regime was really pretty much put
18 into place by the Soviets in 1945 after the peninsula was
19 divided. -- Oh, I'm sorry. -- after the peninsula was
20 divided. 1948 Kim Il-sung was officially installed with a
21 rubber stamp election from the Supreme Peoples Assembly from
22 1948 until 1958 Kim Il-Sung was essentially consolidating his
23 power. Now, some of which that slowed that down was obviously
24 the Korean War. After the war was over and the results were
25 in, the armistice, 1953, on -- The way he was able to

1 consolidate all power entirely to himself was by purging both
2 the pro-Soviet and the pro-Chinese factions in North Korea so
3 everybody that was there was just loyal to him? Largely,
4 former partisans who fought in World War II, the old guys. So
5 by 1958, the sole power that all institutions and agencies fit
6 into in North Korea, was Kim Il-sung. That same system of
7 power continues today, because when he died in 1994, that same
8 system where one guy at the center of the circle, where all the
9 institutions feed into him, now has been passed on to his son,
10 Kim Jong-il.

11 Q In 1970 to '72, that time frame, who was the Head of State
12 in North Korea?

13 A Kim Il-sung was the Head of State in 1970 to '72.

14 Q And would it be fair to say that in 1970 to '72, Kim was in
15 absolute control?

16 A That's correct.

17 Q Correct?

18 A That's correct, sir.

19 Q And can you describe between 1970 to '72 the degree to
20 which any dissenting activities would be tolerated in North
21 Korea?

22 A In 1970 to '72 -- In fact, it would be entirely accurate to
23 say that in 1970 to 2009, there is no such thing as open
24 dissent in North Korea. You're six feet under if you have open
25 dissent or you're a refugee; it's as simple as that.

1 Q Can you briefly describe North Korea's foreign policy goals
2 in the time frame of 70 to '72.

3 A Yes, sir. In '70 to '72, they --

4 Q Let me just qualify the question. I believe you were
5 present for Professor Rubin's testimony this morning?

6 A Yes.

7 Q So I'm particularly interested in anything that you could
8 add to what Professor Rubin said, or if there is anything that
9 you disagree?

10 A Yes, sir. He gave a very good description. But I would
11 say, just to add on to that, there are two -- there are two
12 distinct eras in North Korean foreign policy when it comes to
13 supporting terrorism, and we were in the first one in 1970 to
14 '72. In other words, in that era, the Cold War era, the Soviet
15 Union and United States did not directly engage each other
16 violently. They used proxies. Cuba and North Korea were two
17 key proxies on the Soviet team. And '70 to '72 was the height
18 of that activity. North Korea did this because the Russians --
19 the Soviets at the time -- completely subsidized every single
20 thing about the North Korean economy. From their electoral
21 grid, to their oil, to the food stuff that people ate, the fuel
22 for the military vehicles, and the penance, if you will, that
23 the North Korea -- and the Cubans did this, as well. -- was to
24 support terrorist groups and legitimate insurgence as they did
25 in Angola (phonetic), as well. And the reasons for this were

1 entirely economic.

2 Behind that, though, Kim Il-sung is known to have --
3 and Hwang --

4 THE COURT REPORTER: I'm sorry?

5 A Hwang Jong-Yup -- H-w-a-n-g J-o-n-g, dash, Y-u-p.

6 -- the gentlemen who actually was the third in command
7 in North Korea until he defected in 1997 had told us that
8 Kim Il-sung had almost a diabolical hatred of the United States
9 and her allies, including, and particularly, Israel. So there
10 was not only this economic factor behind it that they were
11 subsidized by the Soviet Union in order to conduct these
12 activities, but there was also the ideological factor, the
13 hatred of the United States and all it stood for. And the
14 Lod Airport incident -- not to get ahead of myself. -- the
15 Lod Airport incident, they literally were able to go against
16 both American citizens and Israeli citizens, so they were
17 accomplishing two birds with one stone, essentially.

18 THE COURT: Do you know, Doctor, if the persons who
19 perpetrated the incident or the people from North Korea, who,
20 according to the testimony here, supported them, knew that on
21 that plane were American citizens; and for that reason and
22 whether -- and whether it was for that reason that they got on
23 that plane; do you know that?

24 THE WITNESS: Well, I do know that most people -- and
25 Rubin brought this up this morning. -- most people assess that

1 the reason they did not fly on an El Al Flight, is because even
2 back then El Al had far better security than anybody else. So
3 that could have been the reason. But if there was a flight
4 coming in that was coming in from France, there was almost,
5 undoubtedly, U.S. citizens on the flight, yes, sir.

6 THE COURT: Sorry for the interruption, Mr. Tolchin.
7 Go ahead.

8 MR. TOLCHIN: Quite all right, sir.

9 Q (By Mr. Tolchin) Can you describe the proxy operations of
10 North Korea in the 1970 to '72 time frame.

11 A Yes, sir. To be specific, there were several. They were
12 supporting insurgencies and, slash, terrorist groups in Africa,
13 in the Middle East, and they were actually running about 30
14 camps. They ran about 30 camps from 1968 until 1988 in North
15 Korea. Now, according to Daryl Plunk, who was a well known
16 scholar at the Heritage Foundation in Washington, they ran
17 about 5,000 people through those camps from 25 different
18 nations in that 20-year time period. There was probably at
19 least an equal number of non-state actors. Non-state actors
20 normally being terrorist groups like PFLP and Japanese
21 Red Army, who ran through those camps during that time period.
22 And then they would -- they also were actively involved in such
23 places as Libya and Baka'a Valley and Lebanon, where they were
24 involved with the direct training of these folks. Normally
25 those folks were armed through a second party or directly from

1 North Korea. But North Korea provided the arms for many of
2 these groups, as well. And I would like to point out that,
3 literally, the way it worked back then -- because they were
4 subsidized by the Soviet Union, you have 40 or 50 guys
5 attending camp, when you're done, I'm General O Kuk-ryol, I
6 hand that receipt to my Soviet advisory, and then he gives a
7 check to the Government Pyongyang. It was literally that
8 subsidized by the Soviet Union.

9 THE COURT: So you're saying that the 5,000 people
10 went through those camps from at least 25 nations?

11 THE WITNESS: Yes, sir.

12 THE COURT: Plus another 5,000 from non-state actors?

13 THE WITNESS: The number could be that high, sir. It
14 was -- And it probably was, or maybe even higher.

15 THE COURT: And among those non-state actors would be
16 the Japanese Red Army?

17 THE WITNESS: Yes, sir.

18 Q (By Mr. Tolchin) Was there a common denominator of the
19 ideological theme that could tie together the difference proxy
20 operations that North Korea involved itself with?

21 A Well, to be frank, many of the operations that they tied --
22 that they involved themselves with were supporting terrorist
23 groups with communist ideology. Certainly that was the case
24 with the JRA, or at least partially. But they were also --
25 another part of the ideology was very simply from the North

1 Koreans -- and this comes from the top, the great leader,
2 as he was called, Kim Il-sung, the anti-U.S. sentiment and
3 anti-Israeli sentiment that was felt so strongly in North Korea
4 -- It still is. And this was as much a push for the ideology
5 as just a Stalinist communist ideology that they had.

6 Q In the training camps that you described, who actually
7 provided the training in those training camps?

8 A That's a very good question. There were two key elements
9 that provided that training. One was called -- and is called
10 The Operations Department, which is currently commanded by
11 General O Kuk-ryol who's affiliate --

12 Q Spell that.

13 A The letter O, Kuk, K-u-k, dash, small r-y-o-l.

14 -- who was Kim Jong-il's childhood friend. And his
15 predecessor, O Chin-u, back in 1970 --

16 I apologize for using all --

17 Q You have to spell it.

18 A Okay. O, space, Chin -- just like it sounds, dash, U, was
19 the second in command of North Korea and oversaw a lot of those
20 operations; one of them being The Operations Department. The
21 Operations Department being one of the organizations that
22 actually train terrorist organizations and insurgent groups
23 both overseas and in North Korea. That's the first one. The
24 second one is called the Recognizance Bureau. And the
25 Recognizance Bureau also trained and equipped terrorists,

1 because they would be roughly the equivalent what we in the
2 United States would call Green Beret.

3 THE COURT: Special ops-type persons?

4 THE WITNESS: Yes, sir.

5 Q (By Mr. Tolchin) The trainers in those camps, were they
6 North Korean Government employees, or were they Russians, or
7 something else?

8 A They were North Korean military or intelligence service
9 employees. And it's -- If I may, I'd like to make the
10 differentiation between the two. The Operations Department
11 is -- comes under the Korea Workers Party. It is a party
12 organization, but it's manned about 50 percent by military
13 people, about 50 percent by what we would think of as just
14 clandestine operatives. That's the party part of it. The
15 Recognizance Bureau is directly subordinate to the military
16 people, armed forces. And is a military organization. But
17 both of them are government institutions in North Korea.

18 Q Thank you. Does the available scholarly literature, and
19 whatever other sources you rely on in your profession, suggest
20 which groups have been aided by the North Korean military
21 intelligence authorities and --

22 A In -- I'm sorry, sir. Go ahead.

23 Q -- and personnel?

24 A In the -- in the era of the first era during the Cold War,
25 it really kicked off after the king consolidated his power in

1 1958. They really aided a whole lot of terrorist groups and
2 non-state actors, you know, from the Basque Separatists in
3 Spain, the Irish Republican Army --

4 THE COURT REPORTER: I'm sorry, "basque."

5 THE COURT: The Basque, B-a-s-q-u-e.

6 THE WITNESS: Thank you, sir, because I couldn't have
7 spelled that myself.

8 The Basque Separatists, ETA, which is what they were
9 called, the Irish Republican Army, PFLP, the Japanese Red Army,
10 they trained SWAPO in Angola, and the African National Congress
11 -- I mean, the list goes on and on.

12 And they also trained many nation states who were
13 aligned -- such as Mozambique who were aligned with the Soviet
14 Union which we're not addressing here. You're looking just for
15 basically terrorist groups. Now, that was in the first era.
16 Now that was because of the subsi- -- subsidized -- You know
17 what I mean. -- being subsidized by the Soviet Union. When
18 that era ended in 1990, suddenly it all changed, but their
19 support to terrorism did not change. From 2003 until now
20 they've continued to subsidize, train, equip, sell weapons to,
21 build facilities for, the -- the Moro Islamic front in the
22 Philippines since 2003. The Tamil Tigress in Sri Lanka, since
23 that time and right until they were wiped out last year. And
24 probably the most compelling for this Court, which is
25 Hezbollah. They built tunnels for Hezbollah that made it very

1 difficult for the IDF to go after them in 2007 in that war.
2 2006 war, I should say. And they also armed Hezbollah with
3 missiles -- rockets, excuse me, that they gave to the Iranian
4 Republican Guard Corp and then IRGC transferred those to the
5 Hezbollah in 2006, 2007.

6 Q Okay. Very briefly, can you tell us from 1970 to '72 as
7 you understand what was the Japanese Red Army.

8 A Say it again, sir?

9 Q As you understand it, what was the Japanese Red Army
10 between 1970 to '72?

11 A Well, several members --

12 You mean what was their status in 1970 to '72?

13 In 1970, as we've already established, they hijacked a
14 plane to North Korea where they were treated very well. That's
15 been very well documented from witnesses on the scene. There
16 was a split in the group in the early 1970s where some of them
17 decided to go work with the PFLP guys in Lebanon where there
18 were also North Korean fighters for several groups, in Beka'a
19 Valley. And that split pretty much remains today. Although my
20 understanding is that the two groups stayed in contact with
21 each other. And the Japanese Red Army now conducts business
22 and training for intelligence operations today.

23 Q And the valley in Lebanon that you mentioned, what was the
24 name of that?

25 A Beka'a Valley, sir.

1 Q B-e-k-a-, apostrophe, -a?

2 A Yes.

3 THE COURT: Close enough.

4 Q (By Mr. Tolchin) And, Professor, do you agree with
5 Professor Rubin's testimony regarding the way that the 1970s --
6 I'm sorry. -- the 1970 hijackers who landed in North Korea were
7 received by the North Korean regime?

8 A Yes, I do. He characterized it very well. They were
9 welcomed, and they were not only given safe refuge, but they
10 were given training and arms.

11 Q And do you agree with Professor Rubin's assessment that in
12 1970 it was not possible for a group of hijackers to hijack the
13 plane to North Korea, land it, take up residency in North Korea
14 without the explicit consent and cooperation of the North
15 Korean military and intelligence personnel?

16 A That is a true statement, sir.

17 Q Okay. Do you have an understanding of what the goals of
18 the Japanese Red Army were in conducting the 1970 hijacking?

19 A Well, my understanding is that they wanted to spread their
20 -- they wanted to blossom out -- This is a quote from one of
21 them. -- they wanted to blossom out and to form more bases
22 worldwide. North Korea was considered that first place, which
23 is why the group eventually, most people assess, fractionalized
24 and some of them ended up working in the Middle East.

25 Q Besides North Korea, were there any other places outside

1 Japan where the Japanese Red Army was active in 1970 to '72?

2 A Yes, sir. In Lebanon.

3 Q And do you -- How did they come to be active in Lebanon?

4 A My understanding is, when Hadid was a connection that they
5 had in -- in Lebanon with the PFLP.

6 Q Hadid?

7 A Hadid.

8 Q H-a-d-i-d?

9 A Yes, sir.

10 Q That's a person?

11 A I speak Korean, man.

12 Q Okay.

13 THE COURT: Not Arabic.

14 THE WITNESS: Yeah.

15 Q (By Mr. Tolchin) Before the Lod Airport Massacre in 1972,
16 are you aware of any connection between the PFLP and North
17 Korea?

18 A Yes. Not only was there a connection in Lebanon, but it is
19 my understanding that when -- the doctor we discussed today --
20 George --

21 Q Habash?

22 A -- Habash, he made the -- If I can clarify something about
23 that trip.

24 That trip that he made, he went to Beijing first. And
25 the reception was not so good for him in Beijing. Things went

1 much better for him in Pyongyang when he went to North Korea.
2 and in Pyongyang, according to several reports that I seen, he
3 was promised both arms and monetary support from the North
4 Koreans. And that was late 1970, late 1970, and we've know, of
5 course, that in -- the Lod bombing in 1972.

6 Q Before the end of the Cold War, and specifically in 1970 to
7 '72, can you describe the reasons for North Korea to support
8 revolutionary terrorist organizations such as the PFLP and the
9 Japanese Red Army?

10 A Yes, sir. I think that Dr. Rubin did a good job describing
11 why North Korea was asked to do things that the Russians
12 themselves didn't want to have their fingerprints all over.
13 And that -- it wasn't just those two groups; it was lots of
14 groups. I'll address some of them.

15 That was literally part of the role that North Korea
16 played as one of those nations that was in Soviet's sphere of
17 influence. And a very important role. I mean, they were
18 willing to do things that the Soviets could get their
19 fingerprints off of, but the secondary motivation was also a --
20 a diabolic hatred of the United States by the North Korean.
21 And that really does exist; it still exists today.

22 Q And in 1970 to '72, what motivated North Korea to involve
23 itself in -- with a group that was organizing a terrorist
24 attack against Israel?

25 A Again, the same thing: economics as much as anything else,

1 because it was something that they didn't have to pay for, but
2 it made them a working role player within the Soviet's sphere
3 of influence, and the fact that next to the United States and
4 perhaps the Government in South Korea, there's probably not
5 another ally of the United States that they have -- on record
6 -- said that they have more of a hatred for than Israel.

7 Q Since the end of the Cold War, has North Korea changed its
8 support for revolutionary terrorist groups?

9 A It has. These groups like PFLP and the Red Army, these
10 groups today don't generate their own money. So they would not
11 get support from the North Koreans today. The way North Korea
12 supports terrorism today is cash and carry. So if you are
13 Hezbollah the -- the Iranian Republican Guard probably pays
14 your bills for you. If you are the Tamil Tigress, it's people
15 in Canada and United States that are paying your bills for you.
16 MILF, same thing, they have folks that pay for them. If you
17 can't pay your bills, the North Koreans aren't going to support
18 you today because most of that ideology, communism, Soviets,
19 that's all gone. It's all about them generating cash for the
20 elite in Pyongyang.

21 Q So they'll -- Is it fair to say that they will sell
22 anything to anyone who can pay for it?

23 A That is an accurate and true statement, sir.

24 Q And in the 1970 to '72 time frame, did it deter the North
25 Korean government in any way that innocent civilians would be

1 murdered by the groups that North Korea was backing?

2 A Absolutely not. I would also like to point out, sir, that
3 during that same time period, North Korea themselves was
4 engaging in acts of terrorism -- violent acts of terrorism,
5 mostly against South Koreans and Americans. And almost all of
6 them against civilians. So to them, this is a normal *modus* --
7 was at the time, a normal *modus operandi*.

8 Q As of today, sir, can you provide any metric -- any
9 estimate of how much North Korea -- how much revenue North
10 Korea generates from support of terrorist groups today?

11 A There are several data points, if I may address them?

12 One of the most respected researchers in the United
13 States is a guy named Larry Niksch, works for the Congressional
14 Research Service. N-i-k-s-c-h, Dr. Larry Niksch. And in a
15 recent report he did for Congressional Research Service, he
16 estimated that in -- that North Korea last year, 2008, made \$2
17 billion in -- in arms trades just with Iran. And publicly
18 about a quarter of that was -- 500 million, or so, was made
19 from proliferating stuff through Iran to Hezbollah. So that's
20 an example of how they generate currency through them.

21 Several tens of millions to groups like the -- to the
22 Tamil Tigress who bought a lot of stuff like artillery and
23 mortars and small arms stuff like naval crafts -- small naval
24 craft. And much smaller groups like MILF, in the Philippines,
25 it's been about \$2 million that they've sold through them.

1 That's a key part of that overall --

2 And I apologize for rambling on.

3 -- that's a key part of that overall dirty deeds-type
4 stuff that North Korea does. Roughly about 40 percent of their
5 real economy -- stuff like illicit drugs, illegal drugs like
6 methamphetamine and heroin that they sell, counterfeit
7 cigarettes, Marlboro in selling the cigarettes, counterfeit
8 American money, hundred dollar bills. The best in the world;
9 our Treasury Department calls them Supernotes. That's all tied
10 in under a department in the Korea Workers Party called Office
11 Number 39. And Office Number 39 also oversees proliferation to
12 rogue states and training in proliferation to terrorists, and
13 it's all still going on today.

14 Q You used the word "real economy." What do you mean by
15 that?

16 A Well, the CIA Fact Book estimates the GDP for North Korea
17 to be about 26.2 billion dollars a year, which is roughly the
18 size of the Afghanistan economy during the Taliban. Not very
19 big. But since North Korea doesn't really generate any exports
20 except for arms, and since most people aren't -- their
21 governments aren't even allowed to buy arms from North Korea,
22 much of their economy -- In fact, most people -- this is a
23 Treasury Department estimate from 2005 -- about 40 percent of
24 their real economy that we don't see listed is stuff like what
25 I described before, illicit and illegal activities, tied in

1 with proliferation that's run by the party.

2 Q Can you provide an overall number of how much altogether
3 for all different purchases, how much North Korea generates in
4 arms sales on an annual basis?

5 A Well, as I said, to Iran, two billion. You could probably
6 add another billion or so to Syria. They sell a lot of stuff
7 to Syria. Add another billion or two billion for every other
8 country that falls in, the African countries, places like Sri
9 Lanka until recently, and then you add in the illicit and
10 illegal activities. Most people estimate that their illegal
11 drug activities involve about one and a half million dollars.
12 That's methamphetamine and heroin. That their counterfeit
13 money operations involved somewhere around 60 million to 200
14 million a year. And that they're counterfeit cigarette
15 operations may be bigger than both of them. People just don't
16 know. The North Koreans actually have two factories that make
17 nothing but counterfeit cigarettes. There's a factory in
18 Pyeongsong Korea that makes nothing but fake Marlboro
19 cigarettes, and that generates a lot of money for them.

20 So, as I said, their real economy -- and their
21 proliferation in support of the terrorism is a part of that.
22 Probably, legitimately, we can estimate it forms about 40
23 percent of their real economy.

24 THE COURT: Where do they get the tobacco?

25 THE WITNESS: It's really, really bad tobacco. But

1 the key to --

2 THE COURT: They don't get it from Cuba?

3 THE WITNESS: No, sir. But the key to the cigarettes,
4 what they do is, the key to the cigarettes is not the tobacco,
5 it's the printing process to put the cover on the cigarette.
6 And they actually went to France and somewhere else -- I don't
7 recall where they actually got the printing presses from France
8 to make these special labels. It's estimated that one cargo
9 container-ship -- or one cargo container that costs them
10 \$70,000 to produce the fake cigarettes for, can produce up to
11 600 million dollars in cigarette sales. So this is really a
12 big profit-making thing for them. The problem is the
13 cigarettes are so bad you have to mix them in with the real
14 cigarettes, which is the challenge.

15 MR. TOLCHIN: Your Honor, may I have one moment?

16 THE COURT: Of course.

17 (Mr. Tolchin speaks with his co-counsel off the
18 record.)

19 MR. TOLCHIN: Your Honor, at this time, I'd like to
20 offer the report of Professor -- I'm sorry. -- the Declaration
21 of Professor Bechtol into evidence. It's Exhibit 4.

22 THE COURT: Admitted as Exhibit 4. Declaration of
23 Bruce Bechtol as Exhibit 4.

24 (Declaration of Professor Barry Bechtol is marked and
25 admitted as Plaintiffs' Exhibit No. 4.)

1 MR. TOLCHIN: I have no more questions for the
2 witness.

3 THE COURT: Professor, thank you very much.

4 THE WITNESS: Thank you.

5 MR. TOLCHIN: Next witness, your Honor, is Professor
6 Rohan Gunaratna.

7 (The oath is administered by the Courtroom Deputy
8 Clerk, and the witness answers as follows:)

9 THE WITNESS: Yes.

10 THE COURTROOM DEPUTY CLERK: So help you God. Please
11 be seated.

12 ROHAN GUNARATNA,

13 having been first duly sworn by the Courtroom Deputy Clerk of
14 the Court to tell the truth, the whole truth, and nothing but
15 the truth, was examined and testified upon his oath as follows:

16 DIRECT EXAMINATION

17 **BY MR. TOLCHIN:**

18 Q Professor, could you state your name and address for the
19 record.

20 A Rohan, R-o-h-a-n, Gunaratna, G-u-n-a-r-a-t-n-a. My address
21 is NTU, that is New, Tango, Uniform, space, RSIS, Romeo,
22 Sierra, India, Sierra, RSIS, S-4 B-4, Singapore.

23 Q Professor, could you just examine this document and tell me
24 whether that is your current C.V.

25 A Yes.

1 MR. TOLCHIN: Your Honor, I'd like to offer this C.V.
2 in evidence, please. It's Exhibit --

3 THE COURTROOM DEPUTY CLERK: Exhibit 7.

4 MR. TOLCHIN: Exhibit 7.

5 THE COURT: All right. Exhibit 7, Professor
6 Gunaratna's C.V. is admitted as Exhibit 7.

7 (Professor Rohan Gunaratna's Curriculum Vitae is
8 marked and admitted as Plaintiffs' Exhibit No. 7.)

9 Q (By Mr. Tolchin) Professor, is there anything -- something
10 on your C.V. that you would like to correct?

11 A My C.V. is fine.

12 Q Your C.V. is fine?

13 A Yes.

14 Q Okay.

15 THE COURT: Excuse me a minute, Mr. Tolchin.
16 Marshal.

17 (The Judge speaks with the Marshal off the record.)

18 THE COURT: Excuse me. Go ahead.

19 Q Professor, can you summarize, please, your educational
20 background.

21 A I have a Ph.D. from the University of St. Andrews in
22 Scotland. The Ph.D. is in International Relations. I focused
23 on international terrorism for my thesis. I have a Master's
24 degree from the University of Notre Dame in Indiana, united
25 States, and that is in International Peace Studies.

1 Q And is that reflected on your C.V.?

2 A Yes.

3 Q And what is your current professional affiliation?

4 A I am a Professor of Security Studies at the Rajaratnam
5 School of Study of International Studies in Singapore.

6 Q Is that R-a-j-a-r-a-t-n-a-m?

7 A That's correct.

8 Q Okay. And did you have any other professional affiliation?

9 A Also the head of the International Centre for Political
10 Violence and Terrorism Research. It is a Singapore-government
11 sponsored research center based at the same university, Nanyang
12 Technology University.

13 Q N-a-n-y-a-n-g?

14 A Yes, sir.

15 Q And is that reflected on your C.V.?

16 A Yes.

17 Q And is there a particular area of academic research that
18 you have focused on in your career?

19 A Since 1984, I focused only on terrorism.

20 Q And is there a subset of terrorist groups that you have
21 primarily focused on?

22 A Because I'm from Asia and because I lived most of my life
23 in Asia, I focus on Asian groups.

24 Q Okay. Are you presently and on any advisory boards
25 relating to the study of international terrorism?

1 A Yes. I serve on several boards.

2 Q Are they reflected in your C.V.?

3 A Yes.

4 Q Do you presently hold or ever hold any Fellowships in the
5 field of International Terrorism?

6 A Yes. In fact, I was Senior Fellow at the United States
7 Military Academy at the Combating Terrorism Centre at West
8 Point.

9 Q And are your Fellowships reflected on your C.V.?

10 A Yes.

11 Q Have you ever served in an editorial capacity with respect
12 to any academic publications in the field of the international
13 terrorism?

14 A Yes. I serve on the two leading counter-terrorism journals
15 in the world. One is Terrorism and Conflict Studies, and the
16 other is Terrorism and Political Violence.

17 Q And are your editorial postings reflected in your C.V.?

18 A Yes.

19 Q Have you published any academic publications in the field
20 of international terrorism or Asian terrorist groups?

21 A Yes, I have. I have published with the Columbia University
22 Press in New York, a book titled: Inside Al Qaeda. I have
23 published several other books as well.

24 Q And are your academic publications reflected in your C.V.?

25 A Yes.

1 Q Have you ever served as an expert witness in court
2 proceedings before in connection with terrorism?

3 A Yes, I have. In fact, I was United States Department of
4 Justice expert in the Jose Padilla trial.

5 Q Which trial?

6 A Jose Padilla trial in the United States. I also testified
7 in a few other trials.

8 Q Did you serve as an expert in any -- courts of any country
9 besides the United States?

10 A Yes, I have.

11 Q Which other countries?

12 A I have served in Bosnia-Herzegovina, also provided written
13 testimony for trials in the United Kingdom, and in Canada.

14 Q And, by the way, did you -- to testify today, where did you
15 come from?

16 A I flew in from Singapore.

17 Q From Singapore. Thank you.

18 Did you render a report in connection with this case?

19 A Yes, I have done so.

20 Q Okay. Let me show you a copy of it. Is this the report
21 that you've render?

22 A Yes, I have.

23 Q And before we came to court today, did you notice two
24 errors in the report that you wanted to correct?

25 A Yes, I have noticed two errors. One is I'm listed as

1 Director of the International Centre for Political Violence and
2 Terrorism Research. But my legal title is Head. So that
3 should be corrected. It is not Director, but it is Head.
4 H-e-a-d.

5 Q And was there an error that you wanted to correct in
6 Paragraph 8 of the report?

7 A Yes. There is one error where it says the wife of the JRA
8 leader. It is actually not the wife; it is the husband of the
9 JRA leader.

10 Q That's Takeshi Okudaira?

11 A That's correct.

12 Q Is the husband, not the wife?

13 A Yes.

14 Q And was there a point with 1972, not 1970?

15 A Correct.

16 Q The Lod Airport attack happened in --

17 A -- 1972.

18 Q Okay.

19 A In fact, the Lod Airport attack took place on the 30th of
20 May, 1972, not 1970.

21 Q Okay.

22 MR. TOLCHIN: Your Honor, at this time, I would like
23 to ask the Court to qualify Professor Rohan Gunaratna as an
24 expert in -- with respect to Asian terrorist groups.

25 THE COURT: Professor Gunaratna is qualified as an

1 expert in Asian terrorism groups.

2 MR. TOLCHIN: Thank you.

3 Q (By Mr. Tolchin) Professor, do you have knowledge and
4 information regarding the Japanese Red Army and its
5 connection --

6 THE COURT: Excuse me, Mr. Tolchin.

7 Professor, do you have a copy of your report before
8 you?

9 THE WITNESS: Yes, sir.

10 THE COURT: Would you please make the changes that you
11 indicated in your testimony. Just pen and ink them, please.

12 THE WITNESS: Yes, sir.

13 (Respite.)

14 THE COURT: The first one -- first page, paragraph
15 one, says "Director," should read "Head." And the other one
16 was where? Paragraph --

17 Mr. Tolchin, help me here a little bit.

18 Do you remember where -- Instead of "wife," it should
19 be "husband"?

20 MR. TOLCHIN: Yes. My notes say that that should be
21 Paragraph 31. Let's see if my notes are correct. That doesn't
22 seem to be correct.

23 (Respite.)

24 MR. TOLCHIN: Yes, on Paragraph 31, the third line.
25 "Wife" should be "husband."

1 THE COURT: Right. The paragraph where: "The
2 attackers were Zoyoshi Okodaira, the 'husband' of the JRA" --

3 THE WITNESS: Yes. Honorable, Judge, if you allow me,
4 actually the Zoyoshi can be also written as in a -- another way
5 that is as -- as -- Zoyoshi can also be pronounce Takashi
6 because in Japanese --

7 THE COURT: Yeah, the can year are the same for both.

8 THE WITNESS: Yes. I prefer instead of saying
9 Zoyoshi, we can say Takashi.

10 THE COURT: Okay. Make that change also.

11 MR. TOLCHIN: Going to make that change on the
12 affidavit.

13 THE WITNESS: Yes.

14 THE COURT: And the "Takashi," it would be spelled
15 T-a-k-a-s-h-i?

16 THE WITNESS: That's correct, sir.

17 MR. TOLCHIN: Your Honor, the error of 1970 to '72 is
18 on page -- is in Paragraph 11 and the second-to-last line of
19 that paragraph.

20 THE COURT: Page?

21 MR. TOLCHIN: Paragraph 11, which carries over onto
22 the following page.

23 THE COURT: No, it doesn't.

24 MR. TOLCHIN: Paragraph 11.

25 THE COURT: What's the title of Paragraph 11?

1 MR. TOLCHIN: The Japanese Red Army, JRA.

2 THE COURT: The second-to-last line.

3 MR. TOLCHIN: Second-to-last line, which is on the
4 next page.

5 THE COURT: Right.

6 MR. TOLCHIN: It says May 30th, 1970 --

7 THE COURT: Okay. '72. Okay.

8 All right. Professor, would you please make that pen
9 and ink change, also?

10 THE WITNESS: Yes, sir, I have done so.

11 THE COURT: All right. Please excuse the
12 interruption. Go ahead, Mr. Tolchin.

13 MR. TOLCHIN: No, I appreciate it, Judge.

14 Q (By Mr. Tolchin) Maybe it would be wise at this point for
15 me to offer that corrected Declaration into evidence.

16 THE COURT: What's the Exhibit Number?

17 THE COURTROOM DEPUTY CLERK: Exhibit Number 8.

18 THE COURT: Exhibit Number 8, Report of Professor
19 Rohan Gunaratna, is admitted as Exhibit Number 8.

20 (Declaration of Professor Rohan Gunaratna is marked
21 and admitted as Plaintiffs' Exhibit No. 8.)

22 Q (By Mr. Tolchin) Okay. Professor, do you have knowledge
23 and information regarding the Japanese Red Army and its
24 connection to the PFLP and the North Korean government during
25 the early 1970s, specifically 1970 to 1972?

1 A Yes.

2 Q And what is the source of your knowledge and information?

3 A It is based on research, documents, books, scholarly
4 publications and also it's based on security and intelligence
5 reporting, it's also based on my own interviews with law
6 enforcement, intelligence, and any military personnel as well
7 as it is based on people who debrief members of the Japanese
8 Red Army.

9 Q Professor, you were present for the testimony of the two
10 other professors earlier today; correct?

11 A Yes.

12 Q Okay. So can you tell us anything further about the
13 history and origin of the Japanese Red Army?

14 A The Japanese Red Army evolved from a very extreme faction
15 of the communist party of Japan. And, in fact, that group
16 first constituted itself as a very small student organization,
17 but a group that believed in extreme violence; and,
18 subsequently, this group evolved into the Red Army faction of
19 Japan, and eventually it became known as the Japanese Red Army.
20 As it was mentioned by other experts, it was a very small
21 organization of three to four dozen members, but they believed
22 in extreme violence.

23 Q And what was the Japanese Red Army's primary objective in
24 1970 to '72?

25 A The Japanese Red Army had three principle goals. One was

1 to get rid of the monarchy, the imperial regime in Japan;
2 second, is it wanted to tie up -- it wanted to establish links
3 with like-minded groups globally; and, finally, it wanted to
4 create a global arm struggle, or a global revolution.

5 Q When the Japanese Red Army emerged was its -- were its
6 activities focused internally, or in Japan?

7 A When the Japanese Red Army emerged, it wanted to establish
8 its presence in Japan but because of the sustained pressure
9 from the Japanese police, the Japanese Red Army established its
10 presence overseas, notably in North Korea and in Lebanon, and
11 subsequently in the Beka'a.

12 Q Did the Japanese Red Army at any point have any significant
13 successes in Japan?

14 A Yes, the Japanese Red Army robbed a number of banks. And
15 it generated very significant propaganda greeting the Japanese
16 universities, and it also hijacked the airplane -- aircraft
17 called the Yodo-go.

18 Q Yodo-go? Y-o-d-o-g-o.

19 A Yes. Aircraft from Japan. And the hijacked airplane, flew
20 from Japan to South Korea, and from South Korea, it flew to
21 North Korea.

22 Q And in terms of the -- meeting its goals of overthrowing
23 the monarchy or spreading Marxist Revolution, did the Japanese
24 Red Army have any success in Japan?

25 A No, it did not. Because the Japanese people did not

1 support the Japanese Red Army. It was a very small number of
2 Japanese students that were driven and that supported the JRA.

3 Q When -- is that why the Japanese Red Army started reaching
4 out internationally, outside of Japan?

5 A Yes. Because it had no popular support in Japan, and to
6 survive, it had to get the support of outside regimes and
7 outside organizations.

8 Q And when the Japanese Red Army first started reaching
9 outside of Japan, did it have any contacts with other similar
10 groups in other countries?

11 A Yes. In fact, the Japanese Red Army's initial contact was
12 with the North Korean regime. It is because North Korea was so
13 much determined to attack Japan and North Korea had established
14 a clandestine presence in Japan recruiting and establishing
15 links with like-minded organizations, and certainly the JRA was
16 one of the groups that had links with the North Korea regime.

17 Q What about in the United States? Did the Japanese Red Army
18 have any contacts with the United States?

19 A Yes. The Japanese Red Army had links with the Black
20 Panthers. And the group called Weatherman group, and they also
21 had links with few other extremists, left wing groups, in the
22 United States. And it also established links with like-minded
23 groups in the Middle East and also in the Latin America.

24 Q And also?

25 A In Latin America. In Latin America, JRA established links

1 with the famous Carlos, who was known popularly as "Carlos the
2 Jackal." He was a Venezuelan terrorist, but largely Middle
3 East, and had a very good corporation the JRA.

4 Q And in the mind-set of the Japanese Red Army, how did they
5 view the use of extreme violence in their activities?

6 A The Japanese Red Army wanted to conduct extreme violence.
7 In fact, if you look at the contemporary view of terrorism that
8 began in 1968, in the first phase, the most violent group was
9 clearly the Japanese Red Army and the PFLP. So Japanese Red
10 Army believed by conducting the extreme violence, they would be
11 able to propagate the ideology. The Japanese Red Army wanted
12 to shock people with such extreme violence.

13 Q And how did the Japanese Red Army -- What criteria would
14 the Japanese Red Army use to select its targets during that
15 time period?

16 A Japanese Red Army was anti-imperialist. And also
17 anti-capitalist organization. And also it was anti-Zionist
18 organization. So certainly they attacked Israel targets, they
19 attacked American targets, they attacked European targets, and
20 they attacked Japanese targets.

21 Q Were they more attracted to easy-to-reach targets -- or
22 let's call it spectacular targets?

23 A The Japanese Red Army believed in conducting a few attacks,
24 but they were high-impact -- or what you call spectacular or
25 theatrical attacks.

1 Q Theatrical?

2 A Theatrical.

3 Q So in the mind-set of the Japanese Red Army, was gunning
4 down religious pilgrims at Lod Airport a form of theater?

5 A Yes. For the Japanese Red Army, it was important to
6 conduct such graphic attacks to draw attention from the
7 potential supporters, to show that they are willing to fight so
8 they could enlist more support. Every terrorist attack is
9 meant to establish the point that: We are active and we are
10 winning. And, certainly, that -- that factor was very clear in
11 the Lod Airport attack.

12 THE COURT: Doctor, Professor, do you know if the
13 terrorists who conducted the Lod massacre, did they know that
14 these people on the plane were Americans? If you know?

15 THE WITNESS: Sir, I do not know whether they knew,
16 but I could only assume because they were in that aircraft from
17 Europe to Israel that they would have known that these are
18 U.S. citizens. It is because they spent so much time in the
19 airplane, and they would have surveilled the passengers in the
20 aircraft.

21 THE COURT: Because of that surveillance of the
22 passengers in the aircraft would they have known or found out,
23 at least during the flight or even before, that these people
24 were religious pilgrims?

25 THE WITNESS: Sir, that I do not know.

1 THE COURT: Okay.

2 Q (By Mr. Tolchin) Professor, the -- the three individuals
3 who carried out the Lod attack rode on that plane as regular
4 passengers; correct?

5 A Yes.

6 Q And they were seated in amongst the other passengers on the
7 plane?

8 A Yes.

9 THE COURT: Do you if they were seated together, or
10 separately?

11 THE WITNESS: They were seated together.

12 THE COURT: Okay.

13 THE WITNESS: The three Japanese terrorists were
14 seated together.

15 Q (By Mr. Tolchin) Before the Japanese Red Army came onto
16 the scene, was the phenomenon of -- let's call it -- a
17 no-surrender or suicide attack, was that known?

18 A It is the most important question you have asked. That
19 is -- The contemporary way of terrorism began in 1968. This
20 particular attack, the Lod Airport attack, is the first
21 suicide, or the no-surrender attack. Before that, in the
22 contemporary wave of terrorism, we had never witnessed a
23 suicide attack.

24 Q Previously the terrorist attacks, the terrorist always had
25 some kind of a plan to come out of it alive?

1 A Yes. But in this attack, the terrorists fully intended to
2 die. They fully intended to perish in their attack.

3 Q And their mind-set was that intent to die something that
4 increased the spectacularness [sic]?

5 A Absolutely. In fact, I want to tell you that Kozo Okamoto,
6 in his debriefing, he told the Israel General who debriefed him
7 that he wanted to be a star in the constellation of Orion.
8 Orion is a constellation. And because he firmly wanted to die,
9 he wanted to perish in the attack.

10 Q He suggested that by perishing while gunning down people in
11 the airport, he would somehow be a star?

12 A And he would live forever in that sense.

13 Q Okay.

14 THE COURT: Where is he now?

15 THE WITNESS: Sir, he is in Lebanon.

16 THE COURT: He's not a star yet?

17 THE WITNESS: No, sir. Japanese government requested
18 for his extradition, the Lebanese government extradited all the
19 other JRA members except Okamoto because the Lebanese
20 government said he participated in the fight against Israel.

21 Q (By Mr. Tolchin) Let's just back up, Professor. After the
22 attack in 1972, he was taken into custody by Israel
23 authorities; correct?

24 A Yes.

25 Q And what happened to him after that?

1 A He was debriefed by the Israeli military and he cooperated
2 and he provided a very detailed account of the planning and the
3 preparation for the Lod Airport attack.

4 Q Was he prosecuted in an Israeli court?

5 A Yes, he was prosecuted in an Israeli court, and he was
6 sentenced in Israel.

7 Q And he was sent to jail in Israel?

8 A Yes.

9 Q So how does he come to be in Lebanon today?

10 A It was subsequently another terrorist attack mounted; and
11 in that, the Israeli authorities, in exchange for release of
12 Israeli prisoners, released Okamoto to Lebanon.

13 Q Do you agree with the testimony of the professors -- of
14 Professor Rubin as to the ideology of the PFLP?

15 A Yes, he was very accurate in what he spoke with regard to
16 the ideological of PFLP.

17 Q Can you describe what was the connection between the PFLP
18 -- And I'm talking about the 1970 to '72 time period. -- the
19 PFLP, the PLO, and Fatah?

20 A PLO, the Palestinian Liberation Organization, is the
21 umbrella group of all Palestinian groups, so the PFLP is a
22 part of the wider PLO organization. In the divide of PLO
23 organization, there is another group called Fatah, F-a-t-a-h.
24 And the head of Fatah is Yasir Arafat. The head of PFLP is
25 Dr. -- was Dr. George Habash. So, in fact, PLO is the wider

1 group, and there are these smaller Palestinian groups that are
2 constituents of the larger PLO.

3 Q What distinguished Fatah from the PFLP?

4 A PFLP was --

5 Q In '70 to '72?

6 A PFLP was a very violent group compared to PLO; in fact,
7 some of the violence -- mounted violent attacks conducted by
8 PFLP even forced Fatah to do graphic attacks. For example,
9 when PFLP conducted -- when PFLP worked with the Japanese Red
10 Army and the Japanese Red Army attacked the Lod Airport, we saw
11 that Fatah was prompted to go in and do the Munich Massacre in
12 September of 1972. So these two groups, PFLP and Fatah, they
13 were rivaling each other to do graphic terrorist attacks to get
14 more support and to get more attention.

15 Q You heard testimony today, Professor, about the reception
16 that the Yodo-go hijackers received in North Korea in 1970.

17 Was there anything that you can add to that?

18 A When the nine members of the Japanese Red Army hijacked the
19 Japanese airplane and when they landed in North Korea, the
20 North Korean government received them, treated them like state
21 guests, and they were living in the capital. And, in fact, the
22 then president and the leaders of North Korea, he visited every
23 year once or twice and met with these nine JRA hijackers.
24 These nine JRA hijackers were very famous. They were called
25 the Nine Samurai. So I want to share with you that the North

1 Korean government even gave them a Mercedes vehicle and they
2 give them servants, or maids, to assist them and to look after
3 them, and they treated very well. And, subsequently, these
4 members received ideological training from the North Korean
5 government agencies; and, subsequently, the nine members of the
6 Japanese Red Army received military training; and after that,
7 many of the nine members of the Japanese Red Army acted as
8 agents of the North Korean government. They went and did
9 various operations.

10 Q You heard testimony earlier today about Dr. George Habash
11 visiting North Korea in 1970. Do you know, sir, did
12 George Habash come by myself or was he accompanied by someone?

13 A Dr. George Habash, the leader to the PFLP, visited China,
14 and from China, he went to North Korea. He was in North Korea
15 from the 2nd of September to the 14th of September; and during
16 that period, he met with the North Korean leader. Dr. George
17 Habash travelled with his delegation, and they met with the
18 North Korean Intelligence Service, and they also met with the
19 nine members of the Japanese Red Army that was, at that time,
20 living in North Korea. And they had discussions of how the
21 PFLP can cooperate together with the Japanese Red Army.

22 THE COURT: During the -- Now, Doctor, I think
23 Dr. Bechtol or Dr. Rubin -- I forget who -- said that when
24 Dr. Habash was in North Korea, was the most critical era of the
25 PFLP because of the -- Dawning?

1 THE WITNESS: it's called Dawson.

2 THE COURT: -- Dawson hijacking. Do you remember when
3 exactly that hijacking took place?

4 THE WITNESS: Yes. The Dawson hijacking took place on
5 the 6th of September.

6 THE COURT: So he was already in Korea when it took
7 place?

8 THE WITNESS: Yes, sir.

9 THE COURT: Okay.

10 THE WITNESS: So Dr. George Habash was in Korea from
11 the 2nd to the 14th of September. So Dr. George Habash was
12 already with the North Korean leaders and with the Intelligence
13 Service discussing about the hijacking as well.

14 Q (By Mr. Tolchin) And that hijacking, the Dawson Field
15 Hijacking, was carried out by Dr. Habash's organization?

16 A Yes. In fact, it was carried out by Wadi Hadad, who was
17 the head of operations of PFLP, and Wadi Hadad is W-a-d-i
18 H-a-d-a-d.

19 Q During the 1970 to 1972 time frame, did the PFLP and the
20 Japanese Red Army participate in any common propaganda efforts?

21 A Yes. In fact, PFLP and Japanese Red Army produced a number
22 of booklets, leaflets, pamphlets, newspaper articles, including
23 a very famous video which is still on -- which is now on You
24 Tube. It's on the Internet. And that is a joint PFLP/JRA
25 production called World Revolutionary Manifesto. The exact

1 name of this film is called Sekigun, because Sekigun is the
2 Japanese word for the Red Army. And -- Sekigun-PFLP World
3 Revolutionary Manifesto.

4 Q That's S-e-k-i-g-u-n?

5 A Yes. And also produced by Wakamatsu Productions. It is a
6 Japanese production company. So in 1971, a group of JRA
7 sympathizers went to Lebanon and they produced this film and
8 they used this film to recruit more people in Japan. And some
9 people who watch this film came and joined the JRA group in
10 North Korea, others joined the JRA group in Lebanon.

11 Q You testified that it's -- this can be watched on the
12 Internet?

13 A Yes, it is on the Internet.

14 Q Do you include a reference to the link where this can be
15 seen in Footnote 10 of your report?

16 A Yes, I do that.

17 Q And what language is that film in?

18 A The -- it is in Japanese. But the images are very graphic
19 and anyone watching that film with interest and passion, they
20 will be able to understand the spirit of the film.

21 Q How did the Japanese Red Army in 1970 to '72 view its
22 violent attacks from a propaganda or recruitment or publicity
23 perspective?

24 A Japanese Red Army firmly believed good propaganda means
25 action, meaning violent. Japanese Red Army did the type of

1 propaganda that we know of, but it firmly believed in graphic
2 attacks in actions, and that is why they emphasize the -- in
3 attacks like the Lod Airport attack and several other attacks.
4 They attacked several embassies in Europe, the U.S. Embassy as
5 well, and also they attacked a number of western targets in
6 Asia. So it believed in the use of violence, and they believed
7 that through that violence they will able propagate their
8 cause.

9 Q Did the Japanese Red Army's attitude towards publicity and
10 propaganda jibe with the PFLP's attitude towards publicity and
11 propaganda in 1970 to '72?

12 A Yes, very much. They worked very closely with each
13 other. They were ideologically very close to each other and
14 operationally -- because of the ideological connection or
15 compatibility, both PFLP and JRA worked closely with each other
16 on terrorist operations.

17 Q In the 1970 to '72 time frame, did the Japanese Red Army
18 have bases that provided safe haven in countries outside of
19 Japan?

20 A Yes. The Japanese Red Army had an operational base in
21 North Korea. The Japanese Red Army had an operational base in
22 Lebanon. First, in Beirut, and after that, in the city of the
23 Syrian-controlled Beka'a Valley in Lebanon.

24 Q Why did the Japanese Red Army seek overseas bases outside
25 of Japan?

1 A It is because the Japanese government, the Japanese police,
2 the Japanese law enforcement agencies were hunting them. And
3 they could not survive and revive in Japan. So they had to
4 find a location outside Japan to survive and to fight.

5 Q Was there communication between the remaining Japanese Red
6 Army members in Japan and those in Lebanon?

7 A Yes, there was significant communication between the
8 Japanese Red Army members in Japan with the group in Lebanon,
9 as well as the group in North Korea.

10 Q One second.

11 What role did those bases in Japan and -- I'm sorry.
12 Withdrawn.

13 What role did the bases in Lebanon and North Korea serve
14 for the Japanese Red Army?

15 A Once the Japanese Red Army left Japan, they needed to
16 survive. That means they needed a place for them to hide, they
17 needed a place for them to be protected, and North Korean
18 regime protected them. The regime in Lebanon, particularly
19 PFLP, their host protected them. In order to operate as a
20 terrorist group, they needed finance, and North Korea and PFLP
21 provided that. They needed weapons to do terrorist attacks;
22 north Korea and PFLP provided that. They needed a platform to
23 perform propaganda, and North Korea and PFLP provided that. So
24 for a terrorist group to remain viable, it needs sanctuary, it
25 needs safe haven, and needs sustained and continuous support.

1 The Japanese Red Army received that both in North Korea and in
2 Lebanon.

3 Q Now, what benefit did the Japanese Red Army get by having a
4 state sponsor such as North Korea?

5 A State sponsor is much more resourceful than a non-state
6 sponsor. PFLP is a non-state sponsor. The North Korean regime
7 is a state sponsor. State sponsor has much more resources.
8 And because it is a state, it has natural cover and capacity to
9 operate. For example, there was a Japanese Red Army member who
10 was operating in Thailand with the North Korean Intelligence
11 Service. They were bringing in counterfeit U.S. dollars from
12 North Korea, and they were putting that money back to the U.S.
13 dollar system in Thailand. And the Japanese Red Army member
14 was travelling inside a North Korean Diplomatic vehicle, so the
15 Japanese Red Army used the diplomatic pouches, the diplomatic
16 immunities, and the diplomatic privileges of North Korea.

17 Q And is a state sponsor such as North Korea, able to offer
18 intelligence service, diplomats, military support, to a
19 terrorist organization?

20 A Yes, very much. As the two previous experts revealed,
21 North Korea had two types of training programs. One, a
22 24-month training program, another 12-month training programs
23 -- military training programs in North Korea, as well as the
24 North Korean Military Intelligence Instructors, would travel
25 overseas, including to Lebanon, and provide, in part, training

1 to PFLP and to other groups. So the resources of the state of
2 North Korea was utilized, and those resources empowered JRA,
3 PFLP, and a number of other groups, during that crucial period
4 received assistance.

5 Q Do you agree, Professor, with Professor Bechtol's
6 description of the absolutist nature of the North Korean
7 government in 1970 to '72?

8 A Yes, it's a Stalinist regime. Because it was during
9 Stalin's period that the Soviets mostly supported the North
10 Korea. So North Korea adopted the mind-set of Stalin.
11 Although it had limits of Maoism, Marxism, Leninism, and even
12 the Trotskitism ideology, but the dominant ideology was
13 Stalinism. And in a Stalinist regime, they will be very brutal
14 and very -- it's a very highly controlled regime.

15 Q Would it have been possible in 1970 to '72 for a training
16 base for terrorists to exist in North Korea without the
17 assistance of the North Korean military personnel and
18 intelligence personnel?

19 A No. Assistance of the North Korean Security Intelligence
20 and military personnel were vital for the maintenance of the
21 terrorist training facilities in North Korea.

22 Q Is it your opinion that agents of the North Korean
23 government and North Korean military intelligence organizations
24 supported the Japanese Red Army in 1970 to '72?

25 A Very much.

1 Q You used the word in your report spelled J-u-c-h-e, I
2 believe it's pronounced "juuk"?

3 A "Juuk-kay." Yes, Juche ideology.

4 Q What is the Juche ideology?

5 A That is the ideology of the North Korean regime. It is
6 called the self-reliant ideology. That is, North Korea
7 believed that it can become self-reliant. It didn't want to
8 have a marked (phonetic) economy or open diplomatic relations.
9 It's very different from a country like the United States where
10 there's freedom of movement, freedom of protest, freedom of
11 expression. Everything is controlled North Korea.

12 Q And how does the Juche ideology fit in with North Korea
13 supporting revolutionary terrorist organizations around the
14 world?

15 A North Korea's principal "in" was to create a global
16 revolution, a worldwide revolution, against the United States
17 U.S. allies, and U.S. friends. And European countries are
18 allies of the United States, Japan, and other countries, South
19 Korea, they are friends of the United States, Israel is also a
20 friend of the United States, and North Korea working with a few
21 other regimes, such as Cuba, wanted to destabilize the U.S.,
22 their allies, and their friends. And also mount attacks
23 against those countries. So there was a Cold War between North
24 Korea, Cuba, Soviet Union, China on one side, the U.S., their
25 allies, and their friends on the other side.

1 Q You mentioned training camps.

2 A Yes.

3 Q What is known about the nature of the training that was
4 provided at those training camps?

5 A The training camps managed by North Korea during that
6 period, and even subsequently, imparted two types of training.
7 One is guerrilla warfare. Guerrilla warfare is attacks against
8 military targets. The second type of training is called
9 terrorizing (phonetic). Terrorizing is attacks against
10 civilian infrastructure and civilian personnel. So as a part
11 of the terrorist training, the North Korean government agents
12 imparted training in assassinations, in bombings, in sabotage,
13 in hijackings, in kidnappings, in hostage takings, so that the
14 entire spectrum or the complete rapport of terrorist attacks,
15 the training was geared to training those terrorist groups that
16 kept North Korea in those -- in applying those tactics.

17 Q And is it -- Are the Japanese Red Army and the PFLP known
18 to have availed themselves of this training in the 1970 to '72
19 time frame?

20 A Yes. The Japanese Red Army received the training in North
21 Korea, and PFLP members also came to North Korea and received
22 more advanced training. But the basic training, North Korean
23 instructors flew to North Korea -- flew from North Korea to
24 Lebanon and provided that training.

25 Q Besides training, did North Korea furnish weapons to the

1 Japanese Red Army and the PFLP in 1970 to '72?

2 A Yes. North Korea was quite well known for providing
3 ammunition and explosives to terrorists and guerrilla groups,
4 and it did provide weaponry including -- the Honorable Judge
5 referred to a weapon called the Kalashnikov. Kalashnikov is
6 the original Russian weapon. But there are many variance of
7 that weapon. And North Korea produced its own version of
8 Kalashnikov, and that was supplied to terrorist groups in a
9 number of countries.

10 Q Did North Korea supply the Japanese Red Army and the PFLP
11 with financial support?

12 A Yes. The North Korean regime provided both JRA and PFLP
13 with financial assistance.

14 Q What about government documents, such as passports and
15 identification; did the North Korean government provide the JRA
16 and PFLP terrorists with passports?

17 A Yes, certainly they did. In fact, according the Japanese
18 police documents -- because the National Police Agency of Japan
19 arrested a number of JRA members who travelled from North Korea
20 to other countries, and then reentered Japan, and based on the
21 debriefings and the seizure of documents and intelligence of
22 the National Police Agency of Japan, the North Korean regime
23 activity provided forged, adapted, and fraudulently obtained
24 genuine documents to the members of the Japanese.

25 Q You said forged, adapted, and fraudulently obtained genuine

1 documents?

2 A That's correct.

3 Q So we're not talking about giving the terrorists North
4 Korean passports? Is that right?

5 A Yes, they provided mostly Japanese documents.

6 Q So the North Koreans were involved in providing falsified
7 Japanese passports?

8 A Yes. The North Korean regime could do that because there
9 was a North Korean population living in Japan, and the North
10 Korean Intelligence Service was running them as agents so North
11 Korea could collect those documents. And also North Korea had
12 expertise in adapting in photo substitution and name changes of
13 those documents, very high quality forgery in North Korea.

14 Q What enabled the North Koreans to provide that high quality
15 document services, let's call it?

16 A Because North Korea is a state. It's a government. It has
17 access to significant resources, and like a small terrorist
18 group, so it could manufacture -- it could produce high quality
19 documents.

20 Q Okay. Between the Yodo-go in 1970 and the Lod Airport
21 massacre in 1972, do we have information about whether there
22 was contact and cooperation between the Japanese Red Army
23 members in North Korea and the Japanese Red Army in Lebanon?

24 A Yes, there were several points of contact. And I think one
25 of the most important point of contacts is that Kozo Okamoto,

1 who was the only surviving terrorist of the Lod Airport attack,
2 his own brother Takeshi Okamoto was living in North Korea.
3 And, in fact, it was Takeshi Okamoto who informed Kozo Okamoto,
4 who was at that time living in Japan, to travel from Japan to
5 Beirut in Lebanon and to work with the JRA Lebanon cell. And
6 this particular message was sent by Takeshi Okamoto from North
7 Korea to Japan after Dr. George Habash visited North Korea.
8 This is very significant. It's a direct link.

9 The second aspect is that the head of the Japanese Red
10 Army -- the head of Japanese Red Army faction in Lebanon is
11 Shigenobu. And Shigenobu --

12 Q S-h-i-g-e-n-o-b-u?

13 A Yes.

14 And Shigenobu, Shigenobu Fusakowa --

15 Q F-u-s-a-k-a-w-a?

16 A -- k-o.

17 Q -- k-o-w-a?

18 A Yes. Shigenobu's boyfriend was the head of the JRA cell in
19 North Korea. And his name is Takamaro Tamiya.

20 Q Can you spell that.

21 A Takamaro is T-a-k-a-m-a-r-o, Tamiya is T-a-m-i-y-a.

22 And not only that, Shigenobu travelled from Lebanon to
23 North Korea with another member of the JRA. And that other
24 member of the JRA remained in North Korea for about a year, and
25 he learned about the North Korean ideology. And he liked one

1 aspect of the North Korean ideology; that is, self-criticism.
2 And he learned that, and he returned back to Lebanon and
3 introduced that element of the North Korean ideology of
4 self-criticism to the JRA cell that was in Lebanon. So you can
5 see that the cooperation was both oppression and ideological.
6 Q Let's just back up and go over there. Shigenobu, was the
7 head of the Lebanon cell; is that correct?
8 A Yes.
9 Q And Shigenobu's -- you called it boyfriend?
10 A Yes.
11 Q -- was part of the Korean cell?
12 A Korean cell, yes.
13 Q And did Shigenobu know the Yodo-go hijackers from back in
14 the old Japan days?
15 A Shigenobu knew everyone. Every member of the Yodo-go group
16 because she was with them in Japan. So she knew each of one
17 them, and, of course, the leader of the JRA cell in North Korea
18 was her boyfriend.
19 Q So Shigenobu knew the whole Yodo-go group from before the
20 Yodo-go group left Japan and before Shigenobu left Japan?
21 A Yes. They were all the members of the Red Army faction in
22 Japan at the time, so they operated together. They knew each
23 other very well.
24 Q So after 1970 when the Yodo-go group left Japan and
25 Shigenobu went to Lebanon --

1 A Yes.

2 Q -- you -- did you say that Shigenobu, herself, travelled
3 from Lebanon to North Korea?

4 A Yes.

5 Q And what -- Do you know when that was exactly?

6 A That was after the first hijacking. I can't exactly
7 remember the date. But she went there, and she went with the
8 purpose of -- of requesting for assistance and support from the
9 North Korean regime.

10 Q Was the trip of Shigenobu before or after the Lod Airport
11 attack?

12 A I can't exactly remember. But she did travel there with
13 another member of the JRA.

14 Q And do we know who the other member of the JRA is?

15 A He has not been named publicly.

16 But if the Court wish, I can provide that -- that name.

17 Q You know the name, or. . .

18 A I have -- we have the name in the database. But that name
19 has not been publicized.

20 But, certainly, if the Court wishes, I can provide
21 information on that -- I can provide that name to the Court.

22 THE COURT: Well, this is a public proceeding. Is
23 this something that should not be publicized?

24 Q (By Mr. Tolchin) Is there a reason that it's being kept
25 secret?

1 A I do not know. But I should -- I should basically check
2 with the Japanese authorities, and I will provide that
3 information. But that particular JRA member was -- was in
4 North Korea for about a year, at least.

5 Q And so Shigenobu went to Korea with the other person,
6 Shigenobu came back to Lebanon, left the other person there for
7 a year, and then the other person came back and shared training
8 that was received in North Korea with the cell in Lebanon?

9 A Yes, you are --

10 Q Am I accurate?

11 A Yes.

12 Q And, of course, the trip of Dr. Habash to North Korea
13 occurred before the Lod attack?

14 A Yes. I personally believe that if Dr. George Habash did
15 not visit North Korea, perhaps there would not have been an
16 attack in the Lod Airport. It is because of the close
17 cooperation -- the close cooperation between JRA and PFLP was a
18 direct result of the Japanese Red Army members meeting with
19 Dr. George Habash, the leader of PFLP group, that visited North
20 Korea in September of 1970.

21 Q Okay. Professor, besides perpetrated [sic] the Lod Airport
22 massacre, did agents of the North Korean military and
23 intelligence services use Japanese Red Army members for any
24 other purposes to advance North Korea's interests?

25 A Yes. Because the Japanese Red Army became like the agents

1 of North Korea after some time, and the Japanese Red Army
2 members who are in North Korea even created antinuclear groups
3 in Europe, they created several front cover and sympathetic
4 organizations, including businesses in Asia and in Europe that
5 would help the North Korean regime to procure certain items, to
6 recruit certain people; and also the Japanese Red Army members
7 helped the North Korean regime to -- in the U.S. dollar
8 counterfeiting operations. In many ways, the Japanese Red Army
9 members were used and exploited by the North Korean regime.

10 Q Did the North Korean leader Kim Il-sung have a notion of
11 the connection between the Japanese Red Army and Korea being
12 passed down to the next generation?

13 A Yes. It's a very interesting question. What we saw was
14 the leader of the -- leader of North Korea, Kim Il-sung, he
15 wanted the revolution to continue beyond the first generation.
16 That is the generation of JRA members who came to North Korea.
17 So he told the JRA members, You should get Japanese wives and
18 you should have children and those children should continue the
19 fight. So the North Korean Intelligence Service helped the JRA
20 members to find wives, Japanese wives. And the North Korean
21 Intelligence Service worked with the JRA to lure -- lure is to
22 falsely, deceptively bring Japanese women who were in Europe to
23 North Korea and about a dozen of them were brought, and, in
24 fact, they had a number of children, and I want to share that
25 about 17 of those children have now returned back to Japan.

1 So in many ways, Kim Il-sung wanted the revolution to continue,
2 and that is why he even encouraged the JRA to move in that
3 direction.

4 Q After the Lod Massacre in 1972, did any subsequent actions
5 of the Japanese Red Army indicate a connection to North Korea?

6 A Yes, there were several. In fact, in 1974, two members of
7 the Japanese Red Army and two members of the PFLP came to
8 Singapore, and they attacked the Shell -- the oil terminal, in
9 Singapore. And they hijacked a ferry. And --

10 Q A ferry?

11 A A ferry. Like a boat. A big boat.

12 Q Right.

13 A And then they asked the Singapore government to contact the
14 North Korean consulate that was in Singapore at that time, and
15 the Singapore government held two rounds of discussions with
16 the North Korean consulate, and subsequently even the dead
17 Prime Minister of Singapore Lee Kuan Yew wrote a letter to
18 Kim Il-Sung asking him to intervene in this hijacking incident.
19 And there's a personal story that I want to mention that is --
20 the first head of our Institute, Mr. Nathan, was at that time
21 the head of the Intelligence Service of Singapore, and he told
22 the terrorists, Look, you take me; you release the hostages you
23 have. And I will guarantee safe passage to you. And,
24 subsequently, Mr. Nathan became the President of Singapore, so
25 he's today the President of Singapore. And he explained to me

1 the difficulties he had of being offered as a substitute for
2 the hostages, and the Japanese government was really worried so
3 they requested the Singapore government to allow free passage
4 for the JRA two members for the PFLP two members from Singapore
5 to the Yemen. And Yemen was a communist regime. So even in
6 that episode, we can see the hand of North Korea. North Korea
7 remained an ally or sponsor of the Japanese Red Army even after
8 the Lod Airport massacre.

9 MR. TOLCHIN: Your Honor, I have no further questions.
10 Thank you very much, Professor.

11 THE COURT: Thanks, Professor. You are excused.
12 Let's take a ten-minute break. Be back at four
13 o'clock.

14 COURT SECURITY OFFICER: All rise.

15 (A break is taken from 3:50 p.m. until 4:13 p.m.; at
16 which time, the proceedings continue as follows:)

17 THE COURT: Please be seated.

18 Mr. San-Juan.

19 MR. SAN-JUAN-DeMARTINO: Yes, your Honor. May it
20 please the Court, the Plaintiffs call as our next witness the
21 Plaintiff Gloria Calderon-Cardona.

22 THE COURT: Ms. Calderon, please.

23 MR. SAN-JUAN-DeMARTINO: And she will be assisted by
24 an interpreter, Mr. Lao.

25 THE COURTROOM DEPUTY CLERK: Raise your right hand,

1 please.

2 (The oath is administered by the Courtroom Deputy
3 Clerk, and the witness answers as follows:)

4 THE WITNESS: I do.

5 THE COURTROOM DEPUTY CLERK: So help you God. Please
6 be seated.

7 THE COURT: Mr. San-Juan, may I ask a question?

8 MR. SAN-JUAN-DeMARTINO: Yes, of course, your Honor.

9 THE COURT: You have eight witnesses still on -- The
10 witnesses that I have.

11 MR. SAN-JUAN-DeMARTINO: Yes, your Honor.

12 THE COURT: How long do you think we will go for the
13 eight witnesses? Because I can -- Tomorrow we can continue. I
14 have a couple of matters, one of which is your case.

15 MR. SAN-JUAN-DeMARTINO: That's correct, your Honor.

16 THE COURT: But then we can start -- Do you think we
17 can do these eight witnesses between today and tomorrow?

18 MR. SAN-JUAN-DeMARTINO: Yes, I think we can finish.
19 Absolutely. I think -- What, I will suggest, that I'm going to
20 cover with Ms. Calderon is some general information about
21 Carmelo Calderon, her father, and about the events that are
22 subject of the case, and I think with her siblings, who are
23 also here present, it will be much shorter testimony. So,
24 hopefully, we'll be able to finish her testimony today, and
25 then tomorrow it will be, I think, less than half a day for the

1 rest of the witnesses.

2 THE COURT: What about Dr. Ramos?

3 MR. SAN-JUAN-DeMARTINO: Dr. Ramos will also be a
4 straightforward and simple set of testimony.

5 THE COURT: Is she here today?

6 MR. SAN-JUAN-DeMARTINO: She's not here today, but she
7 can be here. She's on call.

8 THE COURT: No, I just want to know.

9 MR. SAN-JUAN-DeMARTINO: I think probably better for
10 the Court if she appears tomorrow.

11 THE COURT: Whenever it's more convenient for her
12 tomorrow, whether you want her -- you want to present her at
13 the last moment, or whether you want to start with her, so that
14 she doesn't have to stay here any longer than she has to.
15 However, you want to do so it.

16 MR. SAN-JUAN-DeMARTINO: Very well, your Honor. Thank
17 you, your Honor. May it please the Court?

18 GLORIA CALDERON-CARDONA,

19 having been first duly sworn by the Courtroom Deputy Clerk of
20 the Court to tell the truth, the whole truth, and nothing but
21 the truth, was examined and testified upon her oath as follows:

22 DIRECT EXAMINATION

23 BY MR. SAN-JUAN-DeMARTINO:

24 Q Good afternoon, ma'am.

25 A Good afternoon.

1 Q I'm going to ask you a series of questions, and do your
2 best to answer them for the Court.

3 THE COURT: Before you start, Mr. San-Juan.
4 Ms. Calderon, have you ever testified in federal court before?

5 THE WITNESS: Never.

6 THE COURT: All right. As you know, the proceedings
7 are in English, so Mr. San-Juan will be asking you questions in
8 English, and Mr. Lao will translate them into Spanish for your
9 benefit. You may answer in Spanish, and Mr. Lao will translate
10 into English for the record. Now, Mr. Lao may at some time ask
11 you to stop your testimony so that he can translate. Is that
12 okay?

13 THE WITNESS: Very well.

14 THE COURT: Thank you. Go ahead, Mr. San-Juan.

15 MR. SAN-JUAN-DeMARTINO: Thank you, your Honor.

16 Q (By Mr. San-Juan-DeMartino) Madam, if you would, please,
17 tell the Court your full name --

18 A Gloria Calderon-Cardona.

19 Q And, Gloria, if you will pardon the indiscretion, state
20 your age, please.

21 A Seventy-six years old.

22 Q And what is your civil status?

23 A Widow.

24 Q Since when?

25 (The Interpreter asks for clarification.)

1 A Since 2000.

2 Q I was going to say, if it was from 1902, then you're a lot
3 older than you look.

4 THE COURT: Well, she looks well for her age.

5 MR. SAN-JUAN-DeMARTINO: Absolutely.

6 Q (By Mr. San-Juan-DeMartino) Gloria, so you are a widow?

7 A Yes, sir.

8 Q Okay. And what is your relationship to Carmelo
9 Calderon-Molina?

10 A I'm his daughter.

11 Q Okay. Does he have other children -- Did he have other
12 children aside from you?

13 A Yes. We were eight siblings.

14 Q Of those eight siblings, do you see any others here in the
15 courtroom?

16 A Yes, sir.

17 Q Would you point them out for the benefit of the Court and
18 tell their names.

19 THE COURT: Let's do it this way. As she states their
20 names, please stand up.

21 Q Okay.

22 A Ruth, she's the eldest; Lucy, she's the second one;
23 Ana Delia; Jose Raul Calderon; and Hilda Eladia.

24 THE COURT: Thank you very much.

25 Q (By Mr. San-Juan-De-Martino) Okay. Now, Gloria, are there

1 any other siblings that are not present here in the courtroom
2 today?

3 A Yes. Luis Carmelo, and Salvador -- My father had three
4 children from his first marriage, and Salvador is the oldest.

5 Q Of the three children from your father's first marriage,
6 Salvador is the only one still alive?

7 A That's right.

8 Q And was there any other child that is not alive today?

9 A The youngest from the second marriage, meaning the marriage
10 from my father and my mother.

11 Q And what was his name?

12 A Miguel Angel.

13 Q When did he pass away?

14 A In 1980.

15 Q Okay. So Salvador from the first marriage is not here
16 today. Can you tell the Court why he's not here today.

17 A He's 95 years old, and he doesn't leave the home anymore.

18 Q What is the state of his health, as far as you know?

19 A Well, he's diabetic, he has high blood pressure, and his
20 heart is very weak, so he doesn't leave the home anymore.

21 Q And you say he's 95 years old?

22 A (The witness moves head up and down.)

23 MR. SAN-JUAN-DeMARTINO: Your Honor, at this time, we
24 would like to offer as Exhibit No. 29, which is the Sworn
25 Declaration of Salvador Calderon-Martinez, a Plaintiff in this

1 case, which we understand is unavailable because of his
2 advanced age and frail condition. It's in Spanish and
3 accompanied by a certified translation.

4 (Respite.)

5 THE COURT: Admitted as Exhibit 29.

6 (Sworn Declaration of Salvador Calderon-Martinez is
7 marked and admitted as Plaintiffs' Exhibit No. 29.)

8 MR. SAN-JUAN-DeMARTINO: Thank you, your Honor.

9 Q (By Mr. San-Juan-De-Martino) Now, the other sibling that
10 you mentioned that is not here today is Luis. He's from the
11 second marriage; correct?

12 A That's right.

13 Q And why is Luis not able to be here today?

14 A Well, he currently lives in a home because he suffered an
15 automobile accident, and he suffered a brain trauma, so
16 currently he doesn't retain anything.

17 THE COURT: He was in an automobile accident and
18 suffered a brain trauma. That's what she said.

19 THE INTERPRETER: Is that not what the Interpreter
20 said, your Honor?

21 THE COURT: No, you didn't say the part about the
22 automobile accident.

23 THE INTERPRETER: Okay. The Interpreter stands
24 corrected.

25 Q (By Mr. San-Juan-De-Martino) Now, and let me ask you

1 about Luis. You say he's unable to retain anything?

2 A Well, that's correct. It's immediate memory -- When he
3 suffered the accident -- Well, he doesn't remember anything,
4 his immediate memory. Did more so when he was in the hospital,
5 he would ask for my father who he knew had already died.

6 Q We'll come back to that in a moment.

7 MR. SAN-JUAN-DeMARTINO: At this time, your Honor, we
8 would offer as Exhibit 26, the Sworn Declaration of Luis
9 Calderon-Cardona also a Plaintiff in this case.

10 (Respite.)

11 THE COURT: All right. Admitted as Exhibit 26.

12 MR. SAN-JUAN-DeMARTINO: Thank you.

13 (Sworn Declaration of Luis Caldron-Cardona is marked
14 and admitted as Plaintiffs' Exhibit No. 26.)

15 Q (By Mr. San-Juan-De-Martino) Now, I want to ask you a few
16 questions about your father, Carmelo. Do you know where he was
17 born?

18 A In Fajardo.

19 Q Okay. And do you know approximately when he was born?

20 A No.

21 THE COURT: I believe the exhibit has a copy of his
22 birth certificate, or at least his Certificate of Baptism.

23 MR. SAN-JUAN-DeMARTINO: Baptismal. We will submit
24 that as a separate -- --that will be --

25 We have it on our list as I.D. 19.

1 THE COURT: The baptismal certificate?

2 MR. SAN-JUAN-DeMARTINO: Yes. We would at this time
3 submit as Exhibit 19 the Baptismal Certificate of Carmelo
4 Calderon-Molina, along with a certified translation. And
5 according to the --

6 THE COURT: It's got his birthday in here.

7 MR. SAN-JUAN-DeMARTINO: Right. It say he was born in
8 Luquillo on July 16th, 1894.

9 THE COURT: And he was baptized on September 2, 1895.

10 MR. SAN-JUAN-DeMARTINO: That's correct.

11 THE COURT: All right. Admitted as Exhibit 19.

12 (Certificate of Baptism for Carmel Calderon-Molina is
13 marked and admitted as Plaintiffs' Exhibit No. 19.)

14 Q (By Mr. San-Juan-De-Martino) So your father was born in
15 Luquillo? What did he do for a living?

16 A He was a contractor.

17 Q Okay. What sort of contractor?

18 A Buildings, homes.

19 Q Okay. And tell the Court, if you would, please, did you
20 ever have the opportunity to observe him while he was working
21 as a contractor?

22 A Oh, yes, of course. Well, he would buy the empty lot, and
23 we would live in -- he would build a wooden house, and then he
24 would start building the cement house right in front of the
25 other one. So sometimes we would have to help him build the

1 house.

2 Q So he built the house that you lived in as a child?

3 A That's right.

4 Q And you would live in a small wooden house while he was
5 building the cement house?

6 A That's right.

7 Q Now, amongst your siblings, where are you in the birth
8 order? What number are you amongst your siblings?

9 A I'm the fourth one at home.

10 Q So I want to take you back now to when you were a little
11 girl. When you were 10 or 12 years old. Where were you living
12 at the time?

13 A We lived in Santurce.

14 Q Okay. And tell me a little about your family life. You
15 lived in Santurce in the house that your father had built.

16 A Well, that's right. We lived in Santurce, and our family
17 was a very close family. My father came from a big family, and
18 they were very close, so that's what he taught us.

19 Q How often would you see your father at that time?

20 A Every day.

21 Q Okay. Tell me about when he would wake up in the morning.
22 What would he do when he would wake up in the morning?

23 A Well, like I told you, he was a contractor, and he would
24 wake up at 5:00 in the morning, and he would read his Bible out
25 loud and sing hymns, and he would pray, and then he would have

1 breakfast, and then he would go off to work, and all of us, we
2 were hearing from our beds.

3 Q Okay. He would read his Bible and would pray. Was he a
4 spiritual religious person?

5 A Yes, he was a Christian, and that's what he thought us,
6 that we had to go every Sunday to church.

7 Q Okay. And so he would get up very early in the morning to
8 work. And would you see him later in the evening when he would
9 return from work?

10 A Sometimes we would see him at noon, because he come home
11 sometimes to have lunch and also at night.

12 Q Okay. Now, let me just stop for a moment. At that time he
13 was married to your mother; correct?

14 A That's right.

15 Q And what is your mother's name? Or what was your mother's
16 name?

17 A Eladia Cardona-Rosario.

18 Q And what sort of relationship did he have with your mother?

19 A Well, he had a -- they had a loving relationship. It was a
20 very close relationship at all times.

21 MR. SAN-JUAN-DeMARTINO: Your Honor, at this time we
22 offer as Exhibit 20, a copy of the Marriage Certificate between
23 Don Carmelo Calderon-Molina and Dona Eladia Cardona-Rosario.
24 Would be Exhibit 20. And it shows that they were married --

25 THE COURT: 12 July 1928.

1 MR. SAN-JUAN-DeMARTINO: That's right. -- 12 July
2 1928. When Eladia was only 16 years old.

3 THE COURT: Don Carmelo was 34.

4 MR. SAN-JUAN-DeMARTINO: So that's admitted as Exhibit
5 20?

6 THE COURT: Exhibit 20, yes.

7 MR. SAN-JUAN-DeMARTINO: Thank you, your Honor.

8 (Marriage Certificate of Carmelo Calderon-Molina and
9 Eladia Cardona-Rosario is marked and admitted as Plaintiffs'
10 Exhibit No. 20.)

11 Q (By Mr. San-Juan-De-Martino) When your father would come
12 home in the evenings, what kind of things would he do with the
13 family in those days when you were 10 or 12 years old?

14 A Well, since he was always at home, he would teach us about
15 the constellations, he would teach us the constellation, the
16 Major, the Minor, and also teach us about poetry, songs, games.

17 Q You say he would teach you about the constellation. What,
18 you would look up at the sky and be able to see the stars?

19 A That's correct.

20 Q It must have been a long time ago because in Santurce you
21 can't see the stars anymore. And you say that he would play
22 games with you. What sorts of games would he play?

23 A Well, at night, he would buy corn, corn on the cob, and my
24 mom would roast them. And then we would all get in the living
25 room, and he taught us the game of odds and even. I mean, that

1 he would have a number of grains of corn in his hand and, we'd
2 have to guess the amounts that he had. If we say even and they
3 were even, then we would win them; if we said odds and they
4 weren't odds, we would lose them. We have to give him the
5 amount that he had in his hand.

6 Q Okay. And let me ask you, how did you feel about your
7 father at the time when you were 12 years old? What kind of a
8 father was he to you?

9 A Well, he was a loving father. He was an upright,
10 upstanding man, but he was a loving father, and never, whenever
11 we had to go on a trip, if we all didn't go, he wouldn't go.

12 Q Okay. Now, we're soon to be in the Christmas holidays.
13 What were the Christmas holidays like back when you were a girl
14 in this house with your mother and father?

15 A Well, in Christmastime, we were all together. My father
16 would always kill a pig, my mother would prepare it for
17 Christmas dinner, and we would have "pasteles," "condurce,"
18 "ludses," (all phonetic), because all that used to be prepared
19 at home. And at night we would all sit down at the table --
20 and sometimes we did have family from the countryside that
21 would come in and join us.

22 THE COURT: Would this be on Christmas Eve?

23 THE WITNESS: Yes, Christmas Eve.

24 Q (By Mr. San-Juan-DeMartino) What about on New Year's Day?
25 What would you do?

1 A Well, New Year's Day we would spend it -- we'd all spend it
2 together. We would receive the New Year, all of us together,
3 with our neighbors, singing, and we would -- that would also be
4 true for Christmas Eve. We would always get on the porch with
5 the "maracas," the "bilintoes," (phonetic) with all types of
6 instruments. There would be singing, together with neighbors,
7 that would also come to our home.

8 Q How did your father get along with his neighbors?

9 A Well, my father, with the neighbors, he was very special.
10 Whenever we travelled -- because we went out to the countryside
11 a lot -- and we would always go together as a family. My
12 father had a cargo truck that he would use for construction,
13 where he would take his materials; so on Sunday for church, he
14 would put some benches in the back, and we would sit on those
15 benches and all sit in the back of the truck. So a -- when we
16 would go out to the countryside, if we brought in fruits, we
17 brought in banana, plantains, when we would get home, then he
18 would tell us to give it -- to give out fruits to the
19 neighbors. The neighbors were first.

20 Q Now, Gloria, did there come a time when you left this
21 family, and you left this house?

22 A Well, that was the first time that I left my home, that I
23 got married, and I went to live in Philadelphia.

24 Q And how old are you?

25 A Twenty years old.

1 Q Okay. And you went to live in Philadelphia. And are you
2 married? Did anybody go with you?

3 A Yes. My sister Lucy.

4 Q Okay. And how old was she?

5 A I can't remember.

6 THE COURT: She older than you?

7 MR. SAN-JUAN-DeMARTINO: She's older than you?

8 THE WITNESS: Yes.

9 Q (By Mr. San-Juan-De-Martino) Okay. And when you were
10 living in Philadelphia, how was your relationship with your
11 family?

12 A Well, it was always the same because we would write each
13 other. Well, it was always the same.

14 Q Okay. How long were you in Philadelphia?

15 A A year and a half.

16 Q And then what did you do?

17 A I came back to my Puerto Rico.

18 Q And where did you go to live?

19 A My parents' home.

20 MR. SAN-JUAN-DeMARTINO: Okay. Can we ask for some
21 help with the Elmo to put some photographs on.

22 THE COURT: Before you do that, Mr. San-Juan -- I
23 think you forget something.

24 MR. SAN-JUAN-DeMARTINO: Okay. I probably did, Judge.

25 THE COURT: You talked about Christmas Eve, you talked

1 about New Year's Eve, but didn't talk about --

2 MR. SAN-JUAN-DeMARTINO: Reyes.

3 THE COURT: Why don't you ask questions about that.
4 Very important, especially in those days.

5 MR. SAN-JUAN-DeMARTINO: That's true.

6 Q (By Mr. San-Juan-De-Martino) Gloria, and Three Kings Day,
7 can you tell us about what it was like in your family when you
8 were a girl on Three Kings Day.

9 A Well, that was a very special day. Since the day before,
10 since one would be to ask our mother to let us go get grass
11 because the -- we'd tell her, Mom, well, the guys already went
12 by here and they're not going to leave anything for us to give
13 to the camels and then the Three Kings aren't going to come.
14 So then -- And the next day when the gifts would arrive, well,
15 that was -- we'd spend the whole day playing.

16 Q Okay. I just want to show you a few photographs here. And
17 then we'll mark them as exhibits.

18 THE COURT: Let's mark them first.

19 MR. SAN-JUAN-DeMARTINO: We'll mark them first, okay.
20 They've been identified with -- And I have a little sticky note
21 that tells you the. . .

22 THE COURT: Admitted as Exhibits 52, 53, and 54.

23 MR. SAN-JUAN-DeMARTINO: Thank you, your Honor.

24 (Photographs are marked and admitted as Plaintiffs'
25 Exhibits 52, 53, and 54.)

1 Q (By Mr. San-Juan-De-Martino) Now, Gloria, I'm just going
2 to show you a few of these photographs. Who is that?

3 A My father.

4 Q Okay. And I see that he's wearing a hat. Was that a
5 custom of his?

6 A That's correct.

7 Q That was in the old days when everybody wore a hat?

8 A Correct.

9 Q Okay. And there's another photograph. Who are those
10 people?

11 A My father and my mother.

12 Q Okay. That's Carmelo and Eladia?

13 A That's correct.

14 Q All right. Let me show you another photograph, which is
15 Exhibit 53. And tell us what that's all about.

16 A This one is Christmas, and my father was in the back.

17 Q That's him?

18 A That's correct. My mother, my brother, my siblings.

19 Q If you turn around, you can see it up on the screen.

20 A That's Miguel Angel, the youngest from my family, the one
21 who died. He was an officer.

22 Q He's the one who passed away?

23 A Yes, that's the one who passed away.

24 This is Luis, the one who had the automobile accident.

25 That's Pabo -- Jose Raul.

1 Q Who's present in court?

2 A Yes, he's here.

3 Q Okay.

4 Did I do that?

5 We have to wait for it to warm up again.

6 THE COURT: That's okay. I'm a pencil person, not a
7 tech person.

8 A That's my sister-in-law. That's me. That's my daughter.
9 This is another one of the girls.

10 Q Okay. Thank you. And there's a few other photographs
11 here. See if you can help us to identify them.

12 A I took that one. That's my father. That's Jose Raul. And
13 that's Miguel. That's Lucy who's here, and Ana Delia, who's
14 here.

15 Q Okay.

16 A And the one whose his back is towards the picture, that's
17 Luis.

18 Q Okay. And here's another photograph here. Showed standing
19 by a car?

20 A That's out in the country. My father. That's me. These
21 are nephews. These are nieces; these are Hilda's daughters.
22 Who's here. And the others are family.

23 Q Okay. When you say El Campo, the countryside, what are you
24 talking about? Are you talking about Luquillo?

25 A Luquillo.

1 Q All right. Here's another photograph so that you can see
2 up on the screen. Who's in that photograph?

3 A My dad, my mother, Lucy, Miguel, and Jose Raul.

4 Q Okay. All right. So when you returned from Philadelphia,
5 you say you went to live once again in your family home;
6 correct?

7 A That's right.

8 Q And you went to live with your husband, no?

9 A That's right.

10 Q Okay. And how did your family -- How was your family
11 life, then, as a married woman living in the same home as your
12 parents?

13 A Well, what happens is that when we came back from
14 Philadelphia, we didn't have anywhere to live, so we lived
15 there for a while, and then we moved to some apartments that my
16 father had built.

17 Q Okay. And how was your relationship with your father at
18 that time?

19 A It was always a close relationship.

20 Q Okay. Now, Gloria, you talked about your father's
21 religious convictions; did there come a time when your father
22 began to discuss the possibility of travelling to the Holy
23 Land?

24 A Well, he had always dreamed about some day going to the
25 Holy Land, to go to the places where Jesus had walked there and

1 had preached.

2 Q And did there come a time when he made an effort to bring
3 that dream to a reality?

4 A That's correct.

5 Q Tell us about it. How did that happen?

6 A Well, they were members of the Evangelica Unida de Villa
7 Prades Church, and a group of people had come to their church,
8 a group of people that wanted to go to the Holy Land, and they
9 were creating that group in order to go on that trip. And then
10 he saw that his dream was going to become a reality, and he
11 signed up for that group.

12 Q Okay. What was his attitude towards this trip? How did he
13 feel about this trip?

14 A Well, imagine, happy. That's something that he had dreamt
15 about for many years, so he thought that that was going to be
16 his opportunity to make his dream a reality.

17 Q Was there plans for your mother to go on this trip, too?

18 A Well, he had never been absent from a trip. All the trips
19 they've taken together. Even going to New York to go see my
20 sisters, Lucy and Ruth, who lived in New York at that time,
21 that was after I had gotten married. So he wanted mother to go
22 on this trip, but mother at that time, well, her blood pressure
23 was too high. Her doctor told her that since it was such a
24 tough trip, that it would be better that she stayed.

25 Q Okay. And when the day of the trip came around, did you

1 help your father to take him to the airport, or anything such
2 as that?

3 A Well, yes. Mother and I went to the airport to say
4 good-bye to him besides the other people that were there,
5 because there were three other members from the same church who
6 were also going on the trip, so they were very happy, they were
7 euphoric.

8 Q Okay. And after you dropped him off at the airport, what
9 happened after that?

10 A Well, we went back home.

11 Q Okay. And did there come a time when you heard some news
12 about him after that?

13 A That was the next day.

14 Q Please tell the Court what happened.

15 A Well, I was still sleeping, and at 7:00 in the morning, I
16 received a call from a woman from the church saying that at the
17 airport at Tel Aviv there had been a massacre, and that her
18 sister was on the trip, that I should put on the radio to
19 listen.

20 Q So what did you do?

21 A Well, I turned on the radio and started listening to the
22 news. But what they were saying on the news was that there was
23 a Carmen Calderon. Well, I have a cousin who's Carmen
24 Calderon.

25 Q Well, what were they saying about Carmen Calderon on the

1 news? What exactly were they saying?

2 A Well, that she had died in that massacre.

3 Q Did you speak to any of your siblings, your mother, any of
4 your brothers or sisters about what was going on at that time?

5 A Well, no, because I continued listening to the radio
6 because they were saying -- they were talking about a Carmen
7 Calderon. That was it. I mean I knew that my father had gone
8 to Tel Aviv, but they were talking about Carmen Calderon. But
9 later on as I continued to listen to the radio, they said the
10 news as correctly, Carmelo Calderon.

11 Q So at some point they mentioned your father's name on the
12 radio as one of the persons that had died in the massacre?

13 A That's correct.

14 Q And when you heard that, what did you do?

15 A I really don't remember what I did. All I know is that I
16 fell on my knees in front of my dining room -- in front of my
17 dining table, my dining room, and I asked my God to help me.
18 And my daughter who was in the bedroom came out and asked me,
19 Mom, what's wrong with you? And I told her what I had heard.

20 Q What happened then?

21 A Well, when I calmed down, I -- I thought of my younger
22 brother Miguel, who was a police officer, and I thought that
23 maybe he -- he -- since he was a police officer, he was going
24 to be stronger, and he could help me give my mother the news.
25 Since he lived upstairs, I called him, and he came down; but

1 when I told him the news, well, he -- Well, he couldn't
2 anymore.

3 Q What happened after that?

4 A When I could calm down, I went upstairs, and my mother was
5 in the kitchen, and I gave her the news.

6 Q And how did she react?

7 A She began to talk and talk, that I thought that she had
8 gone crazy.

9 Q And then what happened?

10 A Little by little the house started filling up with
11 neighborhoods, family, and -- I don't remember who told who.

12 Q And then what happened?

13 A Well, all my family, all my siblings had come to the house,
14 except those who were abroad, because my brother-in-law was the
15 one who called them.

16 Q Okay. Did you receive any information, in addition to what
17 you told us, about what had happened to your father?

18 A Well, through the news media through newspapers through the
19 TV.

20 Q Did you receive any information about any efforts to return
21 your father's body to Puerto Rico?

22 A Well, that I remember -- All that I remember is the news,
23 from the radio from the TV.

24 Q Okay. Did there come a time when you learned that your
25 father's body was going to be returned to Puerto Rico?

1 A That's right.

2 Q And approximately how long after the massacre was it that
3 your father's body was returned to Puerto Rico?

4 A Approximately seven days.

5 Q And what was it like during those seven days waiting for
6 your father's body?

7 A Well, it was -- felt desperate. But the Lord gives you
8 strength. And the church, my mother and my father's church,
9 Evangelica Unida, they -- also my church, the Baptist Church,
10 they provided different services that gave us strength.

11 MR. SAN-JUAN-DeMARTINO: Your Honor, at this time I
12 would like Exhibit 55 and 56 to be marked as such.

13 Q (By Mr. San-Juan-De-Martino) What arrangements were made
14 for your father's wake and funeral?

15 A My father's wake was at the Evangelica Unida Prades Church,
16 and he was later buried at the Luquillo Cemetery.

17 THE COURT: Admitted as Exhibits 55 and 56.

18 (Photographs are marked and admitted as Plaintiffs'
19 Exhibit No. 55 and 56.)

20 MR. SAN-JUAN-DeMARTINO: Thank you, your Honor.

21 Q (By Mr. San-Juan-De-Martino) Now, you say your father's
22 wake was held at the United Evangelical Church of Villa Prades,
23 no?

24 A That's correct.

25 Q And I want to show you are some photographs that have

1 already been marked as exhibits. Who is this in the top
2 photograph on the left?

3 A That's my brother Jose Raul.

4 Q And what is this sash that he's wearing?

5 A Well, that's an honor guard, because in the church that
6 used to be done that one person would stand next to the coffin
7 for 15 minutes, and they would take turns.

8 Q And they would be wearing the sash?

9 A That's correct.

10 Q And did you get to be part of the honor guard?

11 A That's correct. What happens is I was the photographer.

12 Q And who's this in the photographer over here?

13 A Ruth Calderon, my sister.

14 Q Okay. And we have a couple more photographs here.

15 A Luis. That's Luis, my brother. And that's Lucy, my
16 sister.

17 Q Okay. Now, was your father's funeral an open casket
18 funeral -- the wake? Was it an open casket wake?

19 A That's correct.

20 Q And so you were able to view your father's body?

21 A That's correct.

22 Q Okay. I'll show you what has been marked as Exhibit 55.

23 A That's my father.

24 Q When you saw him, at the wake, what did you do?

25 (Respite.)

1 (Witness is crying.)

2 THE COURT: Mr. San-Juan, perhaps this would be a good
3 time to stop.

4 Why don't you take the picture off.

5 MR. SAN-JUAN-DeMARTINO: (Moves head up and down.)

6 THE COURT: Ms. Calderon --

7 MR. SAN-JUAN-DeMARTINO: Can you continue?

8 THE COURT: -- can you continue?

9 THE WITNESS: Yes.

10 THE COURT: All right. Go ahead.

11 Q (By Mr. San-Juan-DeMartino) When you saw your father's
12 body at the wake, what did you do?

13 A The only thing that I could do, was to touch him.

14 Q Your father was buried in Luquillo?

15 A That's correct.

16 Q So his body was transported from Villa Prades to Luquillo?

17 A That's correct.

18 Q And how long was -- did the wake last?

19 A Two days.

20 Q Gloria, I know this is difficult, but could you please tell
21 the Court how did the death of your father affect you and
22 affect your family.

23 A Emotionally, it affected all of us. Especially my mother.

24 Q How did it change your lives?

25 A Well, for some time we didn't do what we used to do, go out

1 to the countryside, the whole family. My mother most of the
2 time -- part of the time, and not only me, but my siblings.

3 Q Gloria, did you learn -- Did you speak to any of the people
4 who were present when your father was killed?

5 A Oh, yes.

6 Q What did you learn?

7 A Well, a couple from the Villa Prades, who were from the
8 church that went on the trip, they explained how it all
9 happened. They explained how it all happened to us. And also
10 the Sister that -- from Villa Prades -- that had gone on the
11 trip who died, she was in the -- in the wake with my father.

12 Q And what did they tell you about what had happened?

13 A Well, they told us -- They told me that the plane made a
14 stop in which they picked up these three persons. They
15 explained that these three men that they carried with them some
16 briefcases. And they were these army briefcases. These -- how
17 they used at -- the ones the army used to use in the old days.
18 And that everywhere they went they carried those briefcases
19 with them. If they went to the bathroom, they carried them
20 with them. Everywhere they went. And they were saying that
21 there is where they carried the weapons.

22 Q What else did they tell you?

23 A And the wife of Luis Conday (phonetic), she was in the
24 bathroom with somebody else when the shooting began, and she
25 heard the shooting, and she said, Look, they're receiving us

1 with fireworks, and she came out of the bathroom, but he was
2 waiting for her behind a column, and when she came out from the
3 bathroom, he told her, Get on the ground. Get on the ground.
4 They're shooting.

5 And she ended up being wounded in the pelvis and had
6 to stay there for some time in the hospital.

7 Q Did they tell you anything about your father's last
8 moments?

9 A Well, we were told that when he fell to the ground that he
10 covered the body of a woman who was pregnant, saving her life
11 and the life of her child. And afterwards, some time
12 afterwards, a month afterward, she and her husband, they got
13 the address to her home, and they went to my mother and thanked
14 her for saving her life.

15 Q Okay. Now, Gloria, this morning you were here in court and
16 you were able to view some photographs that were placed up on
17 the screen. What went through your mind when you saw those
18 photographs?

19 A Well, again, the day that my father died.

20 Q And how did you feel?

21 A Destroyed.

22 Q Thank you, Gloria.

23 MR. SAN-JUAN-DeMARTINO: Your Honor, at this time, we
24 would like to submit a number of documents in evidence. First
25 of all would be Gloria's Declaration; that would be

1 Exhibit No. 23.

2 (Document is handed to the Judge.)

3 THE COURT: Admitted as Exhibit 23.

4 (Sworn Declaration of Gloria Calderon-Cardona is
5 marked and admitted as Plaintiffs' Exhibit No. 23.)

6 MR. SAN-JUAN-DeMARTINO: Okay. We will also submit
7 the Death Certificate of Carmelo Calderon with its English
8 translation; that will be Exhibit 13.

9 THE COURT: Exhibit what?

10 MR. SAN-JUAN-DeMARTINO: Exhibit 13.

11 Exhibit 14 is also a document produced in Israel
12 relating to the death.

13 Exhibit 15 is the Embalming Certificate for Carmelo
14 Calderon.

15 And Exhibit 16 would be the Consular Mortuary
16 Certificate.

17 And Exhibit 17 would be the -- basically like an
18 autopsy document from the Ministry of Health in Tel Aviv.

19 (Document are all handed to the Judge for review.)

20 THE COURT: All right. Admitted as Exhibits 13, 14,
21 15, 16, and 17.

22 (Death Certificate of Carmelo Calderon with its
23 English translation is marked and admitted as Plaintiffs'
24 Exhibit No. 13.)

25 (Document produced in Israel relating to the death of

1 Carmelo Calderon is marked and admitted as Plaintiffs' Exhibit
2 No. 14.)

3 (Embalming Certificate for Carmelo Calderon is marked
4 and admitted as Plaintiffs' Exhibit No. 15.)

5 (Consular Mortuary Certificate for Carmelo Calderon is
6 marked and admitted as Plaintiffs' Exhibit No. 16.)

7 (Autopsy document regarding Carmelo Calderon from the
8 Ministry of Health in Tel Aviv is marked and admitted as
9 Plaintiffs' Exhibit No. 17.)

10 MR. SAN-JUAN-DeMARTINO: Then we would also like to
11 submit certain documents just for the record.

12 Exhibit 31 is a Birth Certificate for Gloria
13 Calderon-Cardona.

14 Exhibit 34 is a Birth Certificate for Luis
15 Calderon-Cardona.

16 Exhibit 39 [sic] is a Baptismal Certificate for
17 Salvador Calderon.

18 And these are all offered to show that the Plaintiffs
19 are United States' citizens.

20 Is that 38?

21 The Baptismal Certificate will be Exhibit 38.

22 THE COURT: All right. All right. Exhibit 31
23 Gloria's Birth Certificate; Exhibit 34 is Luis Carmelo's Birth
24 Certificate; Exhibit 39 is Salvador's Baptismal Record.

25 THE COURTROOM DEPUTY CLERK: 39 or 38?

1 MR. SAN-JUAN-DeMARTINO: 38.

2 THE COURT: 38.

3 (Birth Certificate for Gloria Calderon-Cardona is
4 marked and admitted as Plaintiffs' Exhibit No. 31.)

5 (Birth Certificate for Luis Calderon-Cardona is marked
6 and admitted as Plaintiffs' Exhibit No. 34.)

7 (Baptismal Certificate for Salvador Calderon is marked
8 and admitted as Plaintiffs' Exhibit No. 38.)

9 THE COURT: Excuse me. Ms. Gloria, you're excused.
10 Thank you.

11 MR. SAN-JUAN-DeMARTINO: I suggest this would be a
12 good time to stop and continue tomorrow.

13 THE COURT: All right. We'll recess until tomorrow at
14 nine o'clock. I have short matters --

15 Well, whether it's short or not, depends on you,
16 Mr. San-Juan.

17 MR. SAN-JUAN-DeMARTINO: Of course, your Honor.

18 THE COURT: Two pretrial conferences, and then we'll
19 continue.

20 MR. SAN-JUAN-DeMARTINO: Very well, your Honor. Thank
21 you, your Honor.

22 THE COURT: We'll be in the same courtroom.

23 COURT SECURITY OFFICER: All rise.

24 (The Judge is off the bench at 5:36 p.m.)

25

1 COURT IN ADJOURNMENT.
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3
4 (The hearing of this cause concluded at 5:36 p.m., on
5 December 2, 2009.)
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